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American Statesmen

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American Statesmen

ANDREW JACKSON

AS A PUBLIC MAN

WHAT HE WAS, WHAT CHANCES HE HAD, AND WHAT HE DID WITH THEM

BY

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ANDREW JACKSON.

CHAPTER I.

THE FIRST FORTY-FIVE YEARS OF JACKSON'S LIFE.

In the middle of the last century a number of Scotchmen and Scotch-Irishmen migrated to the uplands of North and South Carolina. Among these was Andrew Jackson, who came over in 1765, with his wife and two sons, being accompanied also by several neighbors and connections from Carrickfergus, County Antrim, Ireland. They appear to have been led to the spot at which they settled, on the upper waters of the Catawba river, by the fact that persons of their acquaintance in Ireland had previously found their way thither, under special inducements which were offered to immigrants.[1] The settlement was called the Waxhaw Settlement, and was in Mecklenburg County, North Carolina, but close to the South Carolina boundary. Andrew Jackson had no capital, and never became an owner of land. In 1767 he died. His son Andrew was born within a few days of the father's death, March 15, 1767. Parton fixes his birthplace in Union County, North Carolina; Kendall

[1] 2 Hewitt, 13, 268, 272. A bounty was offered equal to the cost of passage. Ship captains became immigration agents. (For full titles of books referred to see the list at the end of the volume.)

in South Carolina. In Jackson's Proclamation of 1832, in a letter of December 24, 1830,[1] and in his will, he speaks of himself as a native of South Carolina.

It appears that Andrew Jackson's mother abandoned the settlement which her husband had commenced, and it is probable that she owed much to the assistance of her relatives and connections while Andrew was a child. Circumstances of birth more humble than those of this child can scarcely be imagined. It was not, probably, hard to sustain life in such a frontier community. Coarse food was abundant; but to get more out of life than beasts get when they have enough to eat was no doubt very difficult. The traditions of Jackson's education are vague and uncertain. Of book-learning and school-training he appears to have got very little indeed.

The population of the district was heterogeneous, and, when the Revolutionary War broke out, the differences of nationality and creed divided the people by opposing sympathies as to the war. The English penetrated the district several times in the hope of winning recruits and strengthening the tories. On one of these raids Andrew Jackson was wounded by an officer, who struck him because he refused to brush the officer's boots. He and his brother were taken prisoners to Camden. The war cost the lives of both Andrew's brothers, and also that of his mother, who died while on a journey to Charleston to help care for the prisoners there. Andrew Jackson accordingly came to entertain a vigorous hatred of the English from a very early age. In 1781 he was alone in the world. What means of support he had we do not know, but, after trying the saddler's trade, he became, in 1784, a student of law at Salisbury, North

[1] 39 Niles, 385.

Carolina. The traditions collected by Parton of Jackson's conduct at this time give us anything but the picture, so familiar in political biography, of the orphan boy hewing his way up to the presidency by industry and self-denial. If the information is trustworthy, Jackson was gay, careless, rollicking, fond of horses, racing, cock-fighting, and mischief. Four years were spent in this way.

It is necessary to note the significance of the fact that a young man situated as Jackson was should undertake to "study law."

In the generation before the Revolution the intellectual activity of the young men, which had previously been expended in theology, began to be directed to the law. As capital increased and property rights became more complicated there was more need for legal training. In an agricultural community there was a great deal of leisure at certain seasons of the year, and the actual outlay required for an education was small. The standard of attainments was low, and it was easy for a farmer's boy of any diligence to acquire, in his winter's leisure, as much book-learning as the best colleges gave. In truth the range of ideas, among the best classes, about law, history, political science, and political economy, was narrow in the extreme. What the aspiring class of young men who were self-educated lacked, as compared with the technically "educated," was the bits of classical and theological dogmatism which the colleges taught by tradition, and the culture which is obtained by frequenting academical society, however meagre may be the positive instruction given by the institution. What the same aspiring youths had in excess of the regularly educated was self-confidence, bred by igno-

rance of their own short-comings. They were therefore considered pushing and offensive by the colonial aristocracy of place-holders and established families, who considered that "the ministry" was the proper place for aspiring cleverness, and that it was intrusive when it pushed into civil life. The restiveness of the aspiring class under this repression was one of the great causes of the Revolution. The lawyers became the leaders in the revolt everywhere. The established classes were, as classes, tories. After the war the way was clear for every one who wanted office, or influence, or notoriety, to attain these ends. The first step was to study law. If a young man heard a public speaker, and was fired by the love of public activity and applause, or if he became engaged in political controversy, and was regarded by his fellows as a good disputant, or if he chanced to read something which set him thinking, the result was very sure to be that he read some law. The men, whose biographies we read because they rose to eminence, present us over and over again the same picture of a youth, with only a common school education, who spends his leisure in reading law, while he earns his living by teaching or by farm work. Those, however, whose biographies we read are only the select few who succeeded, out of the thousands who started on the same road, and were arrested by one circumstance or another, which threw them back into the ranks of farmers and store-keepers. We shall see that Andrew Jackson so fell back into the position of a farmer and store-keeper. Chance plays a great *rôle* in a new community, just as it does in a primitive civilization. Chance had very much to do with Jackson's career. We have no evidence that he was dissatisfied with his circumstances, and set himself to

work to get out of them, or that he had any strong ambition towards which the law was a step. There is no proof that he ever was an ambitious man; but rather the contrary. He never learned any law, and never to the end of his life had a legal tone of mind; even his admirer, Kendall, admits this.[1] His study of law had no influence on his career, and no significance for his character, except that it shows him following the set or fashion of the better class of young men of his generation. If conjecture may be allowed, it is most probable that he did not get on well with his relatives, and that he disliked the drudgery of farming or saddle-making. A journey which he made to Charleston offers a very possible chance for him to have had his mind opened to plans and ideas.

In 1788, Jackson's friend, John McNairy, was appointed judge of the Superior Court of the Western District of North Carolina (*i. e.*, Tennessee), and Jackson was appointed public prosecutor. Jackson arrived in Nashville in October, 1788. Tennessee was then a wild frontier country, in which the Whites and Indians were engaged in constant hostilities. It was shut off from connection with the Atlantic States by the mountains, and its best connection with civilization was down the Ohio and Mississippi rivers. Such frontier communities have always had a peculiar character. In them the white man has conformed, in no small degree, to the habits and occupations of the Indians. Cut off from tools, furniture, clothing, and other manufactured articles such as civilized men use, he has been driven to such substitutes as he could produce by bringing his intelligence to bear on the processes and materials used

[1] *Jackson*, 109.

by the Indians. Living where game is abundant, and where the forests make agriculture difficult, he has often sunk back to the verge of the hunting stage of civilization.[1] The pioneers, so much lauded in song and story, were men who first broke the path into the wilderness, but who derogated from the status of their race to do it. They became incapacitated for the steady labor of civilized industry, and when the country became so filled up that game was scarce, agriculture a necessity, and "law" began to be recognized and employed, the pioneers moved on into the wilderness. In their habits they were idle and thriftless, and almost always too fond of strong drink. The class of settlers who succeeded them were but little better in their habits, although they began to clear the forests and till the soil. They were always very litigious. Court day was an occasion which drew the men to the county town, forming an event in a monotonous existence, and offering society to people oppressed by isolated life. This concourse of people furnished occasion for gossip and newsmongering, and the discussion of everybody's affairs for miles around. "Public opinion" took control of everything. Local quarrels involved the whole county sooner or later. Friendships, alliances, feuds, and animosities grew up and were intensified in such a state of society. If there was an election pending the same concourse of people furnished an opportunity for speech-making and argument. The institution of "stump-speaking" was born and developed in these circumstances. In the court itself the parties to the suits and the jury enjoyed a place before the public eye. The judge and the counsel

[1] See Collins's *Kentucky*, Putnam's *Middle Tennessee*, and Kendall's *Jackson*, 74.

made reputation day by day. The lawyers, as actual or prospective candidates for office, were directly and constantly winning strength with the electors. They passed from the bar to the stump or the tavern parlor, and employed the influence which their eloquence had won in the court room to advance the interests which they favored in the election. There are features of American democracy which are inexplicable unless one understands this frontier society. Some of our greatest political abuses have come from transferring to our now large and crowded cities maxims and usages which were convenient and harmless in backwoods county towns.

Another feature of the frontier society which it is important to notice is, that in it the lack of capital and the intimacy of personal relations led to great abuses of credit. Idleness, drink, debt, and quarrels produced by gossip have been the curses of such society. The courts and the lawyers were always busy with the personal collisions which arose where no one was allowed to practise any personal reserve, where each one's business was everybody's business, where gossip never rested, and where each one was in debt to some others.

In such a state of society the public prosecutor is the general of the advancing army of civilization. He has to try to introduce law and order, the fulfilment of contracts, and the recognition of rights into the infant society. This was the task which Jackson undertook in Tennessee. It required nerve and vigor. The western counties of North Carolina were in a state of anarchy, resulting from the attempt to set up the state of Franklin, and the population were so turbulent and lawless that the representative of legal order was at open war with them. The Indians and Whites were also engaged

in the final struggle of the former before yielding their hunting-grounds to the cultivation of the white man. Jackson had to travel up and down the country in the discharge of his duties, when he was in danger of his life upon the road. He brought all the required force and virtue to the discharge of the duties of this office. He pursued his way without fear and without relenting. He made strong enemies, and he won strong friends. Kendall says that Jackson settled at Nashville, because the debtors there tried to drive him away, he having taken some collection cases.[1] His merits as prosecutor [2] are vouched for by the fact that Governor Blount said of him, in reference to certain intruders on Indian lands who were giving trouble, "Let the District Attorney, Mr. Jackson, be informed. He will be certain to do his duty, and the offenders will be punished." [3]

Among the earlier settlers of Tennessee was John Donelson, who had been killed by the Indians before Jackson migrated to Tennessee.[4] Jackson boarded with the widow Donelson. In the family there were also Mrs. Donelson's daughter, Rachel, and the latter's husband, Lewis Robards. Robards, who seems to have been of a violent and jealous disposition, had made injurious charges against his wife with reference to other persons, and he now made such charges with reference to Jackson. Robards had been married in Kentucky under Virginia law. There was no law of divorce in Virginia. Robards, in 1791, petitioned the Legislature

[1] Kendall's *Jackson*, 90.

[2] He was appointed district attorney by Washington in 1791, after the western counties of North Carolina were ceded.

[3] Putnam, 351.

[4] Putnam, 613 fg.

of Virginia to pass an act of divorce in his favor, making an affidavit that his wife had deserted him, and was living in adultery with Jackson. The Legislature of Virginia passed an act authorizing the Supreme Court of Kentucky to try the case with a jury, and, if the facts proved to be as alleged, to grant a divorce. Robards took no action for two years. September 27, 1793, he obtained a divorce from the Court of Quarter Sessions of Mercer County, Kentucky. In the mean time, Jackson and Mrs. Robards, upon information of the legislative act of 1791, which they assumed, or were informed, to be an act of divorce, were married at Natchez, in July or August, 1791. In January, 1794, upon hearing of the action of the Mercer County Court, they were married again.[1] The circumstances of this marriage were such as to provoke scandal at the time, and the scandal, which in the case of a more obscure man would have died out during thirty years of honorable wedlock, came up over and over again during Jackson's career. It is plain that Jackson himself was to blame for contracting a marriage under ambiguous circumstances, and for not protecting his own wife's honor by proper precautions, such as finding out the exact terms of the act of the Legislature of Virginia. He clung to this lady until her death, with rare single-mindedness and devotion, although she was not at all fitted to share the destiny which befell him. He cherished her memory until his own death in a fashion of high romance. An imputation upon her, or a reflection upon the regularity of his marriage, always incensed him more than any other personal attack. Having put her in a false position,

[1] *Telegraph Extra*, p. 33. Report of a Jackson committee in 1828.

against which, as man and lawyer, he should have protected her, he was afterward led by his education and the current ways of thinking in the society about him to try to heal the defects in his marriage certificate by shooting any man who dared to state the truth, that said certificate was irregular.

Jackson was a member of the convention which met at Knoxville, January 11, 1796, and framed a Constitution for the State of Tennessee. There is a tradition that he proposed the name of the river as the name of the State.[1] This Constitution established a freehold qualification for voting and holding the chief offices, and declared that the people of Tennessee had an inalienable right to navigate the Mississippi river to its mouth. The federalists in Congress opposed the admission of Tennessee, because it was a raw frontier community; but it was admitted June 1, 1796. In the autumn Jackson was elected the first federal representative. A year later, Blount, one of the senators from Tennessee, having been expelled, Jackson was appointed senator in his place. He held this position only until April, 1798, when he resigned.

In December, 1796, therefore, at the age of thirty, Jackson first came in contact with a society as cultivated as that of Philadelphia then was. Except for the brief visit to Charleston in 1783, above referred to, he had seen no society but that of Western North Carolina and Tennessee. He came to Philadelphia just as the presidential election of 1796 was being decided. Tennessee voted for Jefferson, and we may believe that whatever political notions Jackson had were Jeffersonian. He identified himself with the opposition to Washington's

[1] Ramsey, 655.

administration in the most factious and malicious act which it perpetrated, namely, the vote against the address to Washington at the close of his administration. He and Edward Livingston were two out of twelve in the House who refused to vote for the address. It is not known what Jackson's reasons were. Some refused to vote that Washington's administration had been wise. Others objected to the hope that Washington's example would guide his successors.[1] The grounds of objection to the administration were Jay's treaty and Hamilton's financial measures. In the light of history the "irreconcilable" minority which opposed these measures to the bitter end must stand condemned. The republican party, in 1796, was filled with ill-informed and ill-regulated sympathy for the French Revolutionists, and, if it could have had its way, it would, under the lead of refugee editors filled with rancor and ignorant zeal, have committed this country to close relations with France, and would, by importing Jacobinism into this country, have overthrown constitutional liberty here. The federalists, on the other hand, fell into a panic about sedition and sans-culottism quite similar to that which prevailed in England at the same time. Washington's administration had the hard task of maintaining statesman-like steadiness and wisdom between these two tendencies, and of establishing sound precedents for the details of the government under the Constitution. It succeeded so well in this task that the wider the perspective of history in which it is regarded the more clearly does the

[1] In 1830 Livingston attempted an elaborate defence of his vote. He tried to distinguish between Washington and his administration, a vicious and untenable distinction. Hunt's *Livingston*, 340.

moderation, wisdom, and statesmanship of that administration appear. Jay's treaty was a masterpiece of diplomacy, considering the time and the circumstances of this country. Those who objected to it could propose nothing but a policy of bluster, which the country was not prepared to follow up, or the imbecile device of a commercial war. Jefferson, in 1806, had a renewal of this treaty offered to him. He took the opposite course from that which Washington had taken: he rejected it. He tried the commercial war; adopting legislation as tyrannical as any that ever stained a statute-book in the effort to carry it out, subjecting the Union to the severest strain, accomplishing nothing, and finally leading to a fruitless war.

As for Hamilton's funding scheme, few will now be found, whether lawyers, statesmen, or financiers, to question its propriety or the ingenuity and skill with which it was carried out. His bank is open to more question. He and the other federalists had too much of a feeling that they must invent artificial bonds and clamps to hold the Union together. They did not sufficiently perceive that the Union must consolidate itself in time by the experience which the people would win of its inestimable value and political necessity. Public credit and Union, however, were then, as they always have been, inseparably bound up with each other. The history of the old bank is so obscure that it is difficult to form a judgment about it. In making any attempt to do so, it is necessary to bear in mind the fact that the currencies of Europe were nearly all confused and depreciated during the existence of this bank, and that this fact acted as a protection to save the Bank of the United States from the ordinary penalties of a certain measure of bad bank-

ing. It is certain that there was a great deal of jobbing in the shares of the bank when it was first founded, and it very probably over-issued its notes. It did not publish statements of its affairs. After 1793 the risks of neutral commerce and its gains were both very great. American merchants made and lost fortunes by violating belligerent regulations. In 1797 and 1798 these transactions culminated in a crisis and commercial panic here, connected, to judge from all the information we can obtain, with the crisis of 1797 and the bank restriction in England. All this trouble was charged, without further discussion, to the bank. Every time since the formation of the Union, when the strain on the national finances has been great, we have been forced to have recourse to national banks; — 1781, 1792, 1816, 1863.

History has not, therefore, justified the position on these great political questions taken by the party with which Jackson allied himself while he was in the national legislature.

In the Senate, Jackson voted, with only two others, against a bill to authorize the President to buy or lease cannon foundries, in view of possible war with France. He voted against a bill to authorize the arming of merchant ships, in favor of an embargo, and against a proviso that the United States should not be bound to cancel the Indian title to land on behalf of any State.[1]

We know nothing of any activity or interest shown by Jackson in any measure save a claim of Hugh L. White, and an act to reimburse Tennessee for expenses incurred in an Indian war. The latter case was one which has been constantly renewed in the frontier States.

[1] Annals of Congress; 5th Congress, I. 485–532.

Tennessee thought that the federal government was slow and negligent about defending her against the Indians. The federal government thought that Tennessee was hasty and aggressive towards the Indians. Jackson gained this point on the claim of Tennessee while he was in the House, to the great advantage of his popularity at home.

We must infer from his conduct that he did not enjoy political life and did not care for it. He certainly did not become engaged in it at all, and he formed no ties which he found it hard to break at a moment's warning. He does not appear to have made much impression upon anybody at Philadelphia. Gallatin recalled him years afterwards as "a tall, lank, uncouth-looking personage, with long locks of hair hanging over his face, and a cue down his back tied in an eel-skin; his dress singular, his manners and deportment that of a rough backwoodsman." [1] There is, however, ample testimony that Jackson, later in life, was distinguished and elegant in his bearing when he did not affect roughness and inelegance, and that he was able to command encomiums upon his manners from the best bred ladies in the country. Jefferson said of him, in 1824: "When I was President of the Senate he was a senator, and he could never speak on account of the rashness of his feelings. I have seen him attempt it repeatedly, and as often choke with rage." [2]

In 1798 Jackson was made judge of the Supreme Court of Tennessee. Nothing is known of his conduct in this position. No records or decisions of the court from that period remain.

[1] 4 Hildreth, 692.

[2] 1 Webster's *Corr.* 371.

While Jackson was on the bench of the Supreme Court, he and ex-Governor Sevier were in feud with each other. The origin of the quarrel is obscure and not worth picking out from the contradictory backwoods gossip in which it probably originated. It is enough to notice that the two men were too much alike in temper to be pleased with each other. Sevier was fifty-seven years old in 1801, and had been a leading man in the country for years. Jackson was only thirty-four in that year, and a rising man, whose success interfered with Sevier's plans for himself. In 1801 the field officers of the militia tried to elect a major-general. Sevier and Jackson were the candidates. The election resulted in a tie. The governor, Archibald Roane, who had the casting vote, threw it for Jackson. Jackson had not taken part in the Nickajack expedition, or otherwise done military service, so far as is known, except as a private in an Indian fight in 1789. On that occasion one of his comrades described him as "bold, dashing, fearless, and mad upon his enemies." [1] In 1803 Sevier was elected governor, and he and the judge-major-general drew their weapons on each other when they met. Each had his faction of adherents, and it was only by the strenuous efforts of these persons that they were prevented from doing violence to each other. Kendall says that Jackson's popularity was increased by his quarrel with Sevier.[2] In 1804 Jackson resigned his position as judge. Parton gives letters of Jackson from this period which are astonishingly illiterate for a man in his position, even when all the circumstances are taken into consideration. Jackson was made a trustee of the Nashville Academy in 1793.[3]

[1] Putnam, 318.

[2] Kendall's *Jackson*, 108.

[3] Putnam, 410.

In 1804 Jackson was once more a private citizen, a planter, and a store-keeper. Neither politics nor law had apparently touched any chord of interest in him. The turning point in his career was the vote which made him major-general of militia, but the time had not yet arrived for him to show that all there was in him could be aroused when there were public enemies to be crushed. He had been engaged in trade for six years or more before 1804, and was now embarrassed. He devoted himself to business for several years.

Mention has already been made of the general abuse of credit in the frontier communities. Money is scarce because capital is scarce, and is so much needed that the community is unwilling to employ any of it in securing a value currency. It is true that the people always have to pay for a value currency, whether they get it or not, but they always cheat themselves with the notion that cheap money is cheap. Food and fuel are abundant, but everything else is scarce and hard to get. Hopes are strong and expectations are great. Each man gives his note, which is a draft on the glorious future; that is, every man makes his own currency as he wants it, and the freedom with which he draws his drafts is as unlimited as his own sanguine hopes. The hopes are not unfounded, but their fruition is often delayed. Continued renewals become necessary, and liquidation is put off until no man knows where he stands. A general liquidation, with a period of reaction and stagnation, therefore, ensues upon any shock to credit. In Tennessee, between 1790 and 1798, land was used as a kind of currency; prices were set in it, and it was transferred in payment for goods and services. During the same period there was a great speculation in new

land throughout the country. Prices of land were inflated, and extravagant notions of the value of raw land prevailed.[1] After the crisis of 1798 land fell in value all over the country, to the ruin of thousands of speculators. Values measured in land all collapsed at the same time. Jackson was entangled in the system of credit and land investments, but he seems to have worked out of his embarrassments during the next three or four years, after which he abandoned trade and became a planter only.

Another feature of this early southwestern frontier society which excites the surprise and contempt of the modern reader is, that store-keepers and farmers and lawyers, who lived by their labor, and had wives and children dependent on them, are found constantly quarrelling, and in all their quarrels are found mouthing the "code of honor." The earlier backwoodsmen quarrelled and fought as above described, but they fought with fists and knives, on the spur of the moment, as the quarrel arose. It was a genteel step in advance, and marked a new phase of society, when the code of the pistol came into use, and the new higher social caste prided itself not a little on being "gentlemen," because they kept up in the backwoods a caricature drawn by tradition and hearsay from the manners of the swaggerers about the courts of France and England a century before. Andrew Jackson was a child of this society, an adherent of its doctrines, and in his turn a propagandist and expounder of them. He proved himself a quarrelsome man. Instead of making peace he exhausted all the chances of conflict which offered themselves. He was remarkably genial and gentle when things went on to

[1] On the fallacies about the value of land, see p. 184.

suit him, and when he was satisfied with his companions. He was very chivalrous about taking up the cause of any one who was unjustly treated and was dependent. Yet he was combative and pugnacious and over-ready to adjust himself for a hostile collision whenever there was any real or fancied occasion. The society in which he lived developed, by its fashions, some of his natural faults.

In 1795 he fought a duel with a fellow lawyer named Avery, over some sparring which had taken place between them in a court room, when they were opposing counsel. His quarrel with Sevier has been mentioned. While on the bench he also quarrelled with his old friend Judge McNairy, on account of an appointment made by the judge which injured an old friend of both.[1] In 1806 he fought a duel with Charles Dickinson, who had spoken disparagingly of Mrs. Jackson in the course of a long quarrel which involved, besides Jackson, three or four others, and which was a capital specimen of the quarrels stirred up by the gossip and backbiting of men who had too much leisure. This was the real cause of Jackson's anger, although on the surface the quarrel was about a strained and artificial question of veracity concerning a bet on a horse-race, and it was inflamed by some sarcastic letter-writing in the local newspaper, and by some insulting epithets. Jackson's friends declared that there was a plot to drive Jackson out of the country. Each man meant to kill the other. They met May 30, 1806. Jackson was wounded by a bullet which grazed his breast and weakened him for life. Dickinson was mortally wounded, and died the same evening.

[1] Kendall's *Jackson*, 105.

Jackson had made the acquaintance of Burr when in Congress. In 1805 Burr visited Jackson, and made a contract with him for boats for the expedition down the Mississippi. The people of Kentucky and Tennessee had always regarded it as a vital interest of theirs to have the free navigation of the Mississippi. So long as a foreign power held the mouth of the river, plots were formed for separating the trans-Alleghany country from the Atlantic States, the strength of which plots lay in the fact that the tie of interest which made the basis of a union with the holder of New Orleans was stronger than the tie of interest which united the two sides of the Alleghanies. In 1795 the United States by treaty with Spain secured a right of deposit at New Orleans for three years, and these separation plots lost all their strength. The "Annual Register" for 1796 (anti-federalist) very pertinently pointed out to the Western people the advantages they enjoyed from the Union. "If they had been formed into an independent republic, the court of Madrid would have scorned to grant such a free navigation"[1] (*i. e.*, as it granted in the treaty of 1795). Spain ceded Louisiana to France by the secret treaty of St. Ildefonso, October 1, 1800. This treaty became known in 1802 after the peace of Amiens. In the same year Spain, which still held possession of Louisiana, withdrew the right of deposit, and the Western country was thrown into great excitement. In 1803 the whole matter of the navigation of the Mississippi was settled by the purchase of Louisiana by the United States, but then a new set of questions was opened. In the treaty of 1795 Spain had acknowledged the parallel of 31° as the boundary of Florida from the Mississippi

[1] *Ann. Reg.* (1796) p. 83.

to the Chattahoochee, although she had been slow about surrendering posts held by her north of this line and east of the Mississippi. Hence there had been complaints and bad feeling. Now a new question arose as to how far Louisiana extended east of the Mississippi river, and this question was of great importance to the Gulf territories, because if, by the Louisiana purchase, the United States had become owner of the territory east as far as the Perdido, then the Gulf coast with the valuable harbor of Mobile was available for the whole Southwest. Spain denied that Louisiana included anything east of the Mississippi except the city of New Orleans, and the bit of territory south and west of the Iberville and the two lakes.[1] The territory remained in dispute, and the relations between the two countries continued to be bad, until Florida was purchased in 1819. In 1802 a treaty was made with Spain for the payment by her of claims held by American citizens, but Spain did not ratify the treaty until 1818. She had her grievances also, at first about Miranda's expedition, and afterwards about aid to her revolted colonies. In 1810 the President ordered the Governor of Orleans to occupy the territory as far as the Perdido, and to hold it in peace and order, subject to the final decision of the pending controversy with Spain. In 1812, Congress, by two acts, divided the country east as far as the Perdido into two parts, and added one part to Louisiana, which was admitted as a State, and the other part to the Mississippi territory.

It has seemed convenient to pursue these proceedings up to this point, because future reference to them will

[1] See the decision of the Supreme Court of the United States, in Foster *v.* Neilson, 2 Peters, 253.

be necessary. To return now to Burr and his expedition: — It will be understood what were the relations of the United States to Spain in 1805 and 1806, and especially what part of those relations peculiarly affected the people of the Southwest at that time. Their collisions with Spain no longer concerned New Orleans, but West Florida and Mobile. It is still a mystery what Burr really intended. Napoleon's career had fired the imagination of men of a military and romantic turn all over the world. It is quite as reasonable an explanation of Burr's scheme as any other that he was reserving all his chances, and meant to do much or little, according to the turn of events, and that he did not himself define to himself what he was aiming at. His project had an unmistakable kinship with the old plans for setting up a republic of the Mississippi, with its capital at New Orleans. For that, however, he was ten years too late. If he had intended to go on a filibustering expedition against the Spaniards in Mexico, he would have obtained secret aid and sympathy in Kentucky and Tennessee, and the aid which he did get was given under that belief.[1] If his scheme was aimed in any manner against the United States he could not find any aid for it. Since the purchase of Louisiana, and the accession to power in the Union of the party to which the great majority of the Western people belonged, there was no feeling for Burr to work on.[2]

In 1805 Burr found a cordial welcome and aid. He was evidently trying to use Jackson without startling him. His letter of March 24, 1806, which Parton gives,[3] is a very crafty letter, for the purpose of engag-

[1] 2 *Amer. Reg.* (1807) 103, note.

[2] Cf. Jefferson's Message of January 22, 1807.

[3] 1 Parton, 313.

ing Jackson's name and influence to raise troops for his enterprise without defining it. In 1806 Burr was again in Nashville. His proceedings then aroused suspicion. It appears that Jackson was mystified. He did not know whether he ought to aid Burr or oppose him, or aid him secretly and oppose him openly. It seems to be very clear, however, that he took sides against Burr, if Burr was against the United States. January 15th he wrote to Campbell, member of the House of Representatives, and gave November as the time when he first heard of a plan to seize New Orleans, conquer Mexico, carry away the Western States, and set up a great empire.[1] He says that he was indignant at being the dupe of such an enterprise, and that he called Burr to account. Burr denounced and ridiculed the notion that he intended anything hostile to the United States.[2] He claimed to have the secret countenance of the Secretary of War. It seems that Jackson must have been convinced afterwards that Burr had been calumniated and unjustly treated. He was at Richmond as a witness in Burr's trial. He there made a public speech against Jefferson. Jackson had previously been ill-disposed towards Jefferson because Jefferson did not give him the office of Governor of Orleans, for which he had applied. Jackson's strong personal contempt and dislike for General Wilkinson, the commander at New Orleans, who appeared as Burr's accuser, also influenced his judgment.[3] Throughout his life he was unable to form an

[1] *Telegraph Extra*, 481 fg.

[2] When Burr was arrested in Kentucky he gave his word of honor to his counsel that he intended nothing against the United States. (Kendall's *Jackson*, 120.)

[3] His hatred of Wilkinson was greatly strengthened afterwards, but he shows it, and the influence of it, in his letter to Campbell.

unbiassed opinion on a question of fact or law, if he had any personal relations of friendship or enmity with the parties.[1]

From 1806 to 1811 Jackson appears to have led the life of a planter without any noticeable incident. The next we hear of him, however, he is committing another act of violence. Silas Dinsmore, the Indian agent, refused to allow persons to pass through the Indian country with negroes unless they had passports for the negroes. It was his duty by law to enforce this rule. There were complaints that negroes ran away or were stolen. His regulation, however, interfered with the trade in negroes. This trade was then regarded as dishonorable. It has been charged that Jackson was engaged in it, and the facts very easily bear that color. He passed through the Indian country with some negroes without hindrance, because Dinsmore was away, but he took up the quarrel with the agent, and wrote to Campbell to tell the Secretary of War that, if Dinsmore was not removed, the people of West Tennessee would burn him in his own agency. There is a great deal of fire in the letter, and not a little about liberty and free government.[2] Dinsmore was suspended, and things took such a turn that he lost his position and was reduced to poverty. Parton gives a story of an attempt by Dinsmore, eight years later, to conciliate Jackson. This attempt was dignified, yet courteous and becoming. Jackson repelled it in a very brutal and low-bred manner. Dinsmore did not know until 1828, when he was a petitioner at Washington, and the papers were called for, that Jackson had been the cause of his ruin.[3]

[1] On Burr, see 2 Pickett, chap. xxix.

[2] 34 Niles, 110.

[3] 8 Adams, 61.

The time was now at hand, however, when Andrew Jackson would have a chance to show how he could serve his country. At the age of forty-five he had commenced no career. He was a prominent man in his State, but he had held no political offices in it, and had not, so far as we know, been active in any kind of public affairs, although we infer that he had discharged all his duties as general of militia. He had shown himself a faithful friend and an implacable enemy. Every man who has this character is self-centred. He need not be vain or conceited. Jackson was not vain or conceited. He never showed any marked selfishness. He had a great deal of *amour propre*. All things which interested him at all took on some relation to his person, and he engaged his personality in everything which interested him. An opinion or a prejudice became at once for him a personal right and interest. To approve it and further it was to win his gratitude and friendship. To refute or oppose it was to excite his animosity. There was an intensity and vigor about him which showed lack of training. His character had never been cultivated by the precepts and discipline of home, or by the discipline of a strict and close society, in which extravagances of behavior and excess of *amour propre* are promptly and severely restrained by harsh social penalties. There is, to be sure, a popular philosophy that home breeding and culture are of no importance. The fact, however, is not to be gainsaid that true honor, truthfulness, suppression of undue personal feeling, self-control, and courtesy are inculcated best, if not exclusively, by the constant precept and example, in earliest childhood, of high-bred parents and relatives. There is nothing on earth which it costs more labor to produce

than a high-bred man. It is also indisputable that home discipline and training ingrain into the character of men the most solid and valuable elements, and that, without such training, more civilization means better food and clothes rather than better men. It is characteristic of barbarians to put their personality always at stake, and not to distinguish the man who disputes their notions from the man who violates their rights. It is possible, however, that the military virtues may flourish where moral and social training are lacking. Jackson was unfortunate in that the force of his will and the energy of his executive powers had never been disciplined, but the outbreak of the second war with England afforded him an arena on which his faults became virtues.

CHAPTER II.

THE CREEK WAR AND THE WAR WITH ENGLAND.

In no place in the world was Napoleon more ardently admired than in the new States of this country. The popular enthusiasm about him in those States lasted long after he was rated much more nearly at his true value everywhere else in the world. The second war with England was brought on by the policy, the opinions, and the feelings of the South and West, represented by a young and radical element in the Jeffersonian party. The opinion in the South and West, in 1811 and 1812, was that Napoleon was about to unite the Continent for an attack on England, in which he was sure to succeed, and that he would thus become master of Europe and the world. It was thought that it would be well to be in at the death on his side. It is not necessary to point out in any detail the grounds for this opinion which might have been put forward at that time, or to show the partial and distorted information on which it was founded. It is certain that the persons who held this notion were very ill-informed on European politics, and their opinions were strongly biassed by party conflicts at home. For twenty years the domestic politics of the United States had been organized on sympathy with one or the other of the belligerent parties in Europe. This country was weak in a military point of view, but commercially it would have been a

great advantage to either belligerent to have free intercourse with the United States, and to keep his enemy from it. The English policy towards the United States was arrogant and insolent. That of France was marked by duplicity and chicanery. Party spirit here took possession of the people to such an extent that the federalists made apology for any injury from England, no matter how insolent, and the democrats could not see any wrong in the acts of Napoleon, in spite of the evident fact that he was using this country for his own selfish purposes while cajoling it with shameless lies. The course of the weak neutral between two such belligerents was very difficult.

Washington succeeded in maintaining neutrality by Jay's treaty, but at the cost of bitter hostility at home. Adams was driven to the verge of war with France by his party, but succeeded in averting war, although his party was destroyed by the reaction. Jefferson cannot be said to have had any plan. The statesmen of his party tried to act on the belligerents by destructive measures against domestic commerce and industry, chastising ourselves, as Plumer said, with scorpions, in order to beat the enemy with whips. They tried one measure after another. No measure had a rational origin or effect calculated and adjusted to the circumstances of the case. Each was a new blunder. The republican rulers in France in 1792 could do nothing better for a man who claimed protection from the Jacobin mobs than to put him in prison, so that the mob could not get at him. Jefferson's embargo offered the same kind of protection to American shipping. Before the embargo, merchants and ship-owners went to sea at great risk of capture and destruction; after it, they stayed at home

and were sure of ruin. Jefferson has remained a popular idol, and has never been held to the responsibility which belonged to him for his measures. The alien and sedition laws were not nearly so unjust and tyrannical [1] as the laws for enforcing the embargo, and they did not touch one man where the embargo laws touched hundreds. The commercial war was a device which, if it had been sensible and practical, would have attained national ends by sacrificing one group of interests and laying a much inferior burden on others. New England was denounced for want of patriotism because it resisted the use of its interests for national purposes, but as soon as the secondary effects of the embargo on agriculture began to be felt, the agricultural States raised a cry which overthrew the device. Yet criticisms which are justified by the most conclusive testimony of history fall harmlessly from Jefferson's armor of popular platitudes and democratic sentiments. He showed the traits which we call womanish. He took counsel of his feelings and imagination; he planned measures like the embargo, whose scope and effect he did not understand. He was fiery when deciding initiatory steps, like the rejection of the English treaty; vacillating and timid when he had to adopt measures for going forward in the path which he had chosen. His diplomacy, besides being open to the charge that it was irregular and unusual, was transparent and easily turned to ridicule. It was a diplomacy without lines of reserve or alternatives, so that, in a certain very possible contingency it had no course open to it. Jefferson finally dropped the reins of government in despair, and, on a theory which would

[1] See Carey's *Olive Branch*, page 50, for the opinion of a democrat on these laws after party spirit had cooled down.

make each presidential term last for three years and eight months, with an interregnum of four months, he left the task to his successor. He had succeeded in keeping out of war with either belligerent, but he had shaken the Union to its foundations. The extremists in the democratic party now came forward, and began to push Madison into a war with England, as the extreme federalists had pushed Adams into war with France. Madison, therefore, had to inherit the consequences of Jefferson's policy. An adherent of Jefferson describes the bequest as follows: "Jefferson's honest experiment, bequeathed to Madison, to govern without army or navy, and resist foreign enemies without war, proved total failures, more costly than war and much more odious to the people, and dangerous to the Union." [1]

The young and radical democrats, amongst whom Clay was prominent, were restive under the predominance of the older generation of democrats of revolutionary fame, and their favorites. The young democrats wanted to come forward without the patronage of the Virginia leaders. The presidential election of 1812 was the immediate occasion of their action. The Jeffersonian policy had produced irritation at home and humiliation abroad. The natural consequence was a strong war spirit. It was believed that the country would not really be engaged in military operations, because England would be fully occupied in Europe; that Canada could be conquered; that we should come in on the winning side at the catastrophe of the great conflict in Europe; and that all this would be very popular in the South and West. Madison was compelled greatly against his will to yield to the war party, as a condition of his

[1] Ingersoll, 70: — grammar of the original.

reëlection.[1] England pointed out that Napoleon had not complied with the terms of the American demands on both belligerents, but had falsified a date and told a lie. She withdrew her orders in council, and there remained only impressment as the ostensible cause of war. September 12, 1812, Admiral Warren offered an armistice. Madison refused it unless the practice of impressment was suspended. Warren had not power to agree to this. For purposes of redress the war was, therefore, unnecessary, and the United States was duped into it by Napoleon, so far as its avowed causes were concerned.[2]

General Jackson offered his services, with those of 2,500 volunteers, as soon as he heard of the declaration of war. January 7, 1813, he set out under orders for New Orleans, an attack on that place being regarded as a probable movement of the enemy. Jackson threw himself into the business with all his might, and at once displayed activity, vigilance, and skill. His letter to the Secretary of War when he started shows with what enthusiasm he set to work. He assured the Secretary that his men had no "constitutional scruples," but would, if so directed, plant the American eagle on the walls of Mobile, Pensacola, and St. Augustine. In March he was at Natchez engaged in organizing his force, and waiting for orders. While there he had a quarrel with General Wilkinson on a question of rank. Thomas H. Benton, who was serving under Jackson, thought Jackson wrong on the point in question. This produced discord between him and Jackson.

Suddenly Jackson received orders to dismiss his troops, as it did not appear that the enemy were intend-

[1] 1 *Statesman's Manual*, 348. 1 Colton's *Clay*, 161.

[2] See 1 Gallatin's Writings, 517; 2 ditto, 196, 211, 499.

ing to attack New Orleans. He was, of course, greatly chagrined at this order. He was also enraged at the idea of disbanding his men, without pay or rations, five hundred miles from home, to find their way back as best they could. A subsequent order repaired part of this error by ordering pay and rations, but Jackson hired transportation on his own responsibility, and marched his men home in a body. Thomas H. Benton, in June following, succeeded in obtaining from the federal authorities reimbursement of the expenses which Jackson had incurred.

This act of Benton would perhaps have extinguished the memory of the trouble about rank at Natchez, but, in the mean time, Jackson had stood second to another man in a duel with Jesse Benton, brother of Thomas. A feud was speedily created out of this by the gossip and tale-bearing already described. Up to this time Jackson had had as many enemies as friends, but his course in leading home the troops from Natchez had made him very popular, and his conduct in acting as second in the duel, although chivalrous in one point of view, was overbearing in another. He threatened to horsewhip Thomas Benton, and a rencontre between him and the two brothers took place in a tavern at Nashville. Blows and shots were exchanged, and Jackson came away with a ball in his shoulder, which he carried for twenty years. This affair occurred September 4, 1813.

The great Indian chief Tecumseh had been trying for years to unite all the red men against the whites.[1] There would have been an Indian war if there had been no war with England, but the latter war seemed

[1] Drake's *Tecumseh.*

to be Tecumseh's opportunity. Among the southwestern Indians he found acceptance only with the Creeks, who were already on the verge of civil war, because some wanted to adopt civilized life, and others refused.[1] The latter became the war party, under Weatherford, a very able half-breed chief. The first outbreak in the Southwest, although there had been some earlier hostilities, was the massacre of the garrison and refugees at Fort Mims, at the junction of the Alabama and Tombigbee rivers, August 30, 1813. There were 553 persons in the fort, of whom only five or six escaped.[2] If Tecumseh had lived, and if the English had been able to give their attention to an alliance with him, he would have united the Indians from the Lakes to the Gulf, and the "young democrats" would have found out what sort of a business it may be to start a war for party effect. The result of the massacre at Fort Mims was that Alabama was almost abandoned by whites. Terror and desire for revenge took possession of Georgia and Tennessee. September 25th the Tennessee Legislature voted to raise men and money to aid the people of the Mississippi territory against the Creeks. Jackson was still confined to his bed by the wound which Benton had given him. He and Cocke were the two major-generals of the militia of Tennessee. They concerted measures. As soon as he possibly could, Jackson took the field. Georgia had a force in the field under General Floyd. General Claiborne was acting at the head of troops from Louisiana and Mississippi. This Indian war had a local character and was outside the federal operations, although in the end it had a great effect upon them.

[1] Folio State Papers, 1 *Indian Affairs*, 845 fg.

[2] 2 Pickett, 266.

Up to this time little had been known at Washington of Jackson, save that he had been a friend of Burr, an enemy of Jefferson, and that he had just acted in a somewhat insubordinate manner at Natchez, reflecting on the administration and winning popularity for himself.

The Creek war[1] was remarkable for three things: (1) the quarrels between the generals, and the want of concert of action; (2) lack of provisions; (3) insubordination in the ranks. Partly on account of the lack of provisions, for which he blamed General Cocke (as it appears, unjustly), Jackson fell into a bitter quarrel with his colleague and junior officer. The lack of provisions, and consequent suffering of the men, was one cause of insubordination in the ranks, but the chief cause was differences as to the term of enlistment. The enlistment was generally for three months, and constant recruiting was necessary to keep up the army in the field. A great deal of nonsense has been written and spoken about pioneer troops. Such troops were always insubordinate[2] and homesick, and very dependent for success on enthusiasm for their leader and a prosperous course of affairs. For these reasons the character of the commander was all-important to such an army. On three occasions Jackson had to use one part of his army to prevent another part from marching home, he and they differing on the construction of the terms of enlistment. He showed very strong qualities under these trying circumstances. He endured delay with impatience, but with fortitude, and without a suggestion of

[1] See Eaton's *Jackson* and Pickett's *Alabama*.

[2] See descriptions of Kentucky militia in Kendall's *Autobiography*, 124, 131.

abandoning the enterprise,[1] although he was in wretched health all the time. He managed his soldiers with energy and tact. He understood their dispositions. He knew how to be severe with them without bringing them to open revolt, and he knew how to make the most efficacious appeals to them.

In the conduct of the movements against the enemy his energy was very remarkable. So long as there was an enemy unsubdued Jackson could not rest, and could not give heed to anything else. Obstacles which lay in the way between him and such unsubdued enemy were not allowed to deter him. This restless and absorbing determination to reach and crush anything which was hostile was one of the most marked traits in Jackson's character. It appeared in all his military operations, and he carried it afterwards into his civil activity. He succeeded in his military movements. This gave him the confidence and adherence of his men. The young men of the State then hastened to enlist with him, and his ranks were kept well filled, because one who had fought a campaign with him, and had a story to tell, became a hero in the settlement. Jackson's military career and his popularity thus rapidly acquired momentum from all the circumstances of the case and all the forces at work. He was then able to enforce discipline and obedience, by measures which, as it seems, no other frontier commander would have dared to use.

On the 14th of March, 1814, he ordered John Wood to be shot for insubordination and assault on an officer. This was the first of the acts of severity committed by

[1] To Governor Blount, who proposed that he should retire from the expedition, Jackson wrote a strenuous remonstrance, even an admonition. (Eaton's *Jackson*, 101.)

Jackson as a commanding officer, which were brought up against him in the presidential campaigns. Wood was technically guilty. He acted just as any man in the frontier army, taught to reverence nobody and submit to no authority, would have acted under the circumstances. If it had not been for the great need of enforcing discipline, extenuating circumstances which existed would have demanded a mitigation of the sentence. Party newspapers during a presidential campaign are not a fair court of appeal to review the acts which a military commander in the field may think necessary to maintain discipline. Jackson showed in this case that he was not afraid to do his duty, and that he would not sacrifice the public service to curry popularity.

At the end of March Jackson destroyed a body of the Creeks at Tohopeka, or Horse-Shoe Bend, in the northeast corner of the present Tallapoosa County, Alabama. With the least possible delay he pushed on to the last refuge of the Creeks, the Hickory Ground, at the confluence of the Coosa and Tallapoosa, and the Holy Ground a few miles distant. The medicine men, appealing to the superstition of the Indians, had taught them to believe that no white man could tread the latter ground and live. In April the remnant of the Creeks surrendered or fled to Florida, overcome as much by the impetuous and relentless character of the campaign against them as by actual blows. Fort Jackson was built on the Hickory Ground. The march down through Alabama was a great achievement, considering the circumstances of the country at the time. Major-General Thomas Pinckney, of the regular army, came to Fort Jackson, April 20th, and took command. He gave to

Jackson's achievements the most generous recognition both on the spot and in his reports. April 21, 1814, the West Tennessee militia were dismissed, and they marched home.

The Creek campaign lasted only seven months. In itself considered, it was by no means an important Indian war, but in its connection with other military movements it was very important. Tecumseh had been killed at the battle of the Thames in Canada, October 5, 1813. His scheme of a race war died with him. The Creek campaign put an end to any danger of hostilities from the southwestern Indians, in alliance either with other Indians or with the English. It was henceforth possible to plan military operations and pass through the Indian territory without regard to the disposition of the Indians. This state of things had been brought about very summarily, while military events elsewhere had been discouraging.

This campaign, therefore, was the beginning of Jackson's fame and popularity, and from it dates his career. He was forty-seven years old. On the 31st of May he was appointed a major-general in the army of the United States, and was given command of the department of the South. He established his headquarters at Mobile in August, 1814. That town had been occupied by Wilkinson, April 13, 1813. There were fears of an attack either on Mobile or New Orleans. English forces appeared, and took post at Pensacola. Jackson naturally desired to attack the enemy where he found him. The relations of the parties must be borne in mind.[1] Spain was a neutral and owned Florida, but the boundaries of Florida were in dispute between Spain and the

[1] See page 20.

United States. Jackson would not have been a Southwestern man if he had not felt strongly about that dispute. We have seen[1] that one of Jackson's first thoughts when war with England broke out, was that Florida might be conquered. Now Spain allowed England to use Florida as a base of operations. Jackson wrote to Washington for leave to attack Pensacola. It did not suit his temper to sit still under a great anxiety as to which spot on a long coast might be chosen by the enemy as the point of attack. The Secretary of War (Armstrong) replied to Jackson's application that it was necessary, before invading Spanish territory, to know certainly whether Spain voluntarily yielded the use of her territory to England. This letter did not reach Jackson until the war was over. All Jackson's letters of this period to the state and federal authorities have a tone of lecturing which gives deep insight into the character of the man. He meant no disrespect, but the case seemed so clear to him that he set it forth with an unconscious directness of language.

Jackson had but a very small force at Mobile, very inadequately provided with any of the necessaries of war. The government at Washington was falling to pieces. On the 24th of August the English captured Washington and burned the public buildings. Jackson could not obtain either assistance or orders. September 14th the English attacked Fort Bowyer, on Mobile Point, and were repulsed with energy and good fortune. They retired to Pensacola. Jackson advanced against Pensacola without orders from Washington, and reached that place November 6th, with 3,000 men. He easily stormed the town. The Spaniards surrendered the forts

[1] See page 30.

near the town. The English blew up the fort at Barrancas and departed.[1] Jackson immediately returned to Mobile, fearing a new attack there. This energetic action against Pensacola, which a timid commander would have hesitated to take, although the propriety of it could not be seriously questioned, was the second great step in the war in the Southwest. If the Creeks had not been subdued, Mobile could not have been defended. If Pensacola had not been captured, New Orleans could not have been defended three months later. Jackson had extraordinary luck. All the accidents fell out in his favor, and all contributed to his final success.

On the 2d of December, 1814, Jackson reached New Orleans, where he expected the next blow to fall. Nothing had been done there to prepare for defence, and no supplies were there, — not even arms. Edward Livingston and a Frenchman named Louaillier were alone active in preparing even the minds of the people for defence. Jackson declared martial law as a means of impressing soldiers and sailors, and began preparations for defending the city, in spite of discouragements and the lack of all proper means. He seemed to be possessed by a kind of frenzy or fanaticism at the idea of any one "invading" American territory. As soon as he heard of the landing effected by the English after they had destroyed the flotilla on the lakes, he set out to meet them with such forces as he had. He arrested their advance as far from the city as possible, pushed on his preparations with redoubled energy and activity, and was indefatigable in devising and combining means of defence. "The energy manifested by General Jackson spread, as it were, by contagion, and

[1] 7 Niles, 271. Latour, 44 fg.

communicated itself to the whole army. I shall add, that there was nothing which those who composed it did not feel themselves capable of performing, if he ordered it to be done. It was enough that he expressed a wish, or threw out the slightest intimation, and immediately a crowd of volunteers offered themselves to carry his views into execution." [1] He made the utmost of all the means he possessed and devised substitutes for what he lacked. Thus, with every day that passed, his position became stronger. The enemy were veteran troops, amply provided with all the best appliances of war, but, as it appears, not well commanded. An energetic advance on their part, at the first moment, would have won the city. It was, however, Jackson who made the energetic advance at the first moment, and he never let them get any farther. The story of the battle which took place is a strange one. Everything fell out favorably for Jackson as if by magic. The English lost their way, fired into each other, adopted foolish rumors, disobeyed orders, neglected precautions. The two parties built redoubts out of the same mud, and cannonaded each other all day through a dense smoke. At night the American works were hardly damaged, while the English works were battered to pieces and the cannon dismounted. On the 8th of January, 1815, the English made their grand assault on Jackson's works. Latour says that they were over-confident, and that they disregarded the obstacles. They were repulsed with great slaughter. Their loss in general and field officers was especially remarkable. Only on the west bank of the river did the English gain some advantage. General Jackson said then — and he always afterwards refused

[1] Latour, Preface, p. 17.

to withdraw the assertion, in spite of the remonstrances of General Adair, and in spite of a long controversy — that the Kentucky troops on the west side "ingloriously fled." [1] This is worth noticing only because it shows that Jackson would not recede from what he thought true, either to soothe wounded pride or to win popularity. If the English had had a little larger force on the west side, they would have won that position, and would have more than counterbalanced all Jackson's success on the east bank, for the batteries on the west bank could easily have been made to command Jackson's camp and works. The English withdrew after their repulse. Their loss, January 8th, was over 2,000 killed, wounded, and missing; Jackson's was seven killed and six wounded.[2] The treaty of peace had been signed at Ghent December 24, 1814, two weeks before the battle took place. Before the English attempted any further operations in Louisiana, the news of the peace was received. They captured Fort Bowyer in a second attack, February 12, 1815.

A brilliant victory was the last thing any one in the United States had expected to hear of from New Orleans. The expectations under which the war had been undertaken had all been disappointed. Canada had not been conquered. The United States had ranged itself with the defeated, and not with the successful party in Europe. The war had been more than nominal, but on land it had been anything but glorious. Only on the sea did the few frigates which the federalists had built, while they controlled the federal government, vindicate

[1] 7 Niles, 373. Latour, App. 52. Latour makes an apology for the Kentuckians, p. 174.

[2] Latour, App. 55, 153.

the national honor by brilliant successes. Jefferson's *a priori* navy of gunboats had disappeared and been forgotten. The war party had looked upon Gallatin as their financier. He had told them in 1809 that war could be carried on without taxes, but they had squandered, against his remonstrances, resources on which he relied when he so declared, and they had refused to re-charter the bank as he desired. When the war broke out he went out to Russia as one of the peace commissioners. There was no one competent to succeed him, and the democrats never forgave him for the embarrassments which they suffered in trying to manage the finances.[1] He did not resign his secretaryship, but was superseded February 9, 1814. Good democrats thought that sending him abroad was a repetition of the course they had blamed in Jay's case.[2] It certainly was a very strange policy to leave the treasury without a regular head in war-time. The banks suspended, the currency fell into confusion, heavy taxation became necessary, and the public finances were brought to the verge of bankruptcy. The party which had made such an outcry about direct taxes, national bank, and eight per cent loans imitated Hamilton's system of direct taxes and excise throughout. They were discussing a big paper-money bank on the day (February 13th) when news of the Treaty of Ghent reached Washington, and they would have adopted it if the war had continued. They sold six per cent bonds for eighty and eighty-five in a currency of bank rags depreciated twenty or twenty-five per cent. A grand conscription bill was also in preparation, and the Hartford convention had just ad-

[1] See Ingersoll, 74.

[2] Carey's *Olive Branch*, 63.

journed, having done much or little according as peace or war might make it expedient to put one sense or another on ambiguous phrases. When Napoleon fell, and England was left free to devote her attention to this country as her only remaining foe, the war took on a new aspect. June 13, 1814, Gallatin wrote home that a large force was fitting out in England against America. Admiral Cochrane wrote to Monroe that he had orders to devastate the coasts of the United States. The first conditions of peace talked of by England involved cession of territory in Michigan and the Ohio territory, as well as concessions of trading privileges and navigation of the Mississippi, — terms which could not be accepted until after a great deal more hard fighting. The feeling here in the autumn of 1814 was one of deep despondency and gloom.[1] The victory of New Orleans was the cause of boundless delight, especially because the news of it reached the North at just about the same time as the news of peace, and there was no anxiety about the future to mar the exultation. The victory was a great consolation to the national pride, which had been sorely wounded by military failures, and by the capture of Washington. The power of Great Britain had been met and repulsed when put forth at its best, and when the American resources were scanty and poor. To the administration and the war party the victory was political salvation. The public plainly saw, however, that the federal administration had done nothing for the victory. Jackson had been

[1] See *Niles's Register*, vol. 7; Pres. Message, 1814; 1 Goodrich, Letter xxx.; Carey's *Olive Branch*, preface 4th and 6th ed. Ingersoll finds room for the opinion that the prospects for 1815 were bright.

the soul of the defence from the beginning, and to his energy and perseverance success was due. He therefore got all the credit of it, and the administration was only too glad to join in the plaudits, since attention was thereby diverted from its blunders and failure. These facts explain Jackson's popularity. In the space of time between September, 1813, and January, 1815, he had passed from the status of an obscure Tennessee planter to that of the most distinguished and popular man in the country.

In the treaty of peace nothing was said about impressment, the "principle" of which was what the United States had been striving about ever since 1806, and which was the only cause of the war. The war was therefore entirely fruitless as to the causes which were alleged for it at the outset. Nevertheless, the second war with England was a great and beneficial event in our history. What the course of things might have been, if a wiser statesmanship had adopted Monroe and Pinkney's treaty, and pursued a steady course of peace and industrial growth, so far as the state of the world would allow, is a matter of speculation; but, in the course which things did take, there are especial and valuable features of our history which are to be traced to the second war with England as their origin. The discontent of New England faded away at once, and there was a stronger feeling of nationality and confidence throughout the country than there ever had been before.[1] From that time on the Union had less of the character of a temporary experiment. The country had also won respect abroad, and was recognized in the family of nations as it had not been before. From 1789

[1] Gallatin expressed this opinion. 1 Gallatin's Writings, 700.

to 1815 the European nations were absorbed by European politics and war. At the end of this period they turned to find that a new nation had begun to grow up on the Western continent. The Americans had shown that they could build ships of war, and sail them, and fight them, on an equal footing. To the military states of Europe this was a fact which inspired respect.

To return to our more immediate subject: There had been another dispute about terms of enlistment at Fort Jackson in September, 1814. About 200 men, some of whom broke open a store-house to get supplies, marched home without the consent of their commanding officer. Most of them came back: some being compelled, others thinking better of it, and others after assuaging their homesickness. Six were put under arrest and tried by court-martial. They were condemned to death, and, by Jackson's orders, were executed at Mobile, February 21, 1815.[1] The question of law involved was a difficult one. The men took the risk of acting on their own view of that question, while they were under military law. Jackson's reason for his course was to enforce discipline. There had never been such discipline in an American army,[2] least of all in the West; but that was just his contention. He said that there must be discipline, and that this was the only way to establish it. Some of the cases were very sad, and a less penalty would probably have accomplished all the purpose.

After the English departed from New Orleans Jackson relaxed none of his vigilance, but continued to strengthen his force by all the means at his command.

[1] The documents are given in 34 Niles, 55.

[2] Jackson's apologists made much of an alleged parallel case under Washington.

In this he acted like a good and wise commander, who did not mean to be caught. He could not assume that the enemy would not make another attack, and he knew nothing yet of the peace. He maintained the attitude of alert preparation until he was sure that the war was at an end. He maintained martial law in the city, and he administered it with rigor. The possession of absolute and arbitrary power did not have a good effect on him. The exhilaration and self-confidence of success and flattery affected his acts. It appears that he did not thoroughly respect all the inhabitants of the city. They were a motley crowd, and he thought that some of them were not ready to do what he thought they ought to do to defend the city.[1] Any one who would not go to the last extreme for that object could count on Jackson's contempt. He meant to hold the city in such shape that he could make every man in it contribute to its defence, if the occasion should arise. Frenchmen had certain privileges for twelve years, under the treaty of 1803. They had generally coöperated in the defence, but, after the English departed, they sought certificates of nationality in order to secure the privileges and exemptions to which they were entitled. To Jackson this seemed like shirking a share of the common burdens. Livingston, who had been on an embassy to the English fleet, brought back news on the 18th of February[2] of the peace. Jackson would not alter his attitude or proceedings on account of this intelligence, which came through

[1] See his defence in reply to Hall's writ, 8 Niles, 246.

[2] Latour says on the 10th. This date is important for the question whether Jackson knew, at least unofficially, before he allowed the six militiamen to be executed, that peace had been made.

the enemy. On February 28th he ordered all who had certificates of French nationality to go to Baton Rouge before March 3d, on the ground that he would have no man in the city who was not bound to help defend it. March 8th he suspended this order, except as to the French consul. March 3d the same Louaillier who had been conspicuous as an advocate of energetic defence, wrote an article for a local paper, criticising the order of February 28th, and urging that martial law should be abolished. The editor, when called to account for this article, gave up his contributor. Louaillier was arrested March 5th. Judge Hall, of the United States District Court, issued a writ of *habeas corpus* for him. Jackson received news of the peace from Washington on March 6th, but by some blunder the courier did not bring the document containing the official notification. On that day Jackson convened a court-martial to try Louaillier. He sent an officer to arrest Judge Hall, and to obtain from the clerk of the court the original writ of *habeas corpus*. On the 8th he disbanded the militia. The court-martial struck out all the charges against Louaillier except one (illegal and improper conduct), for want of jurisdiction, and acquitted him on that. Jackson disapproved of this finding, and defended his own proceedings. On the 11th of March he sent Hall four miles out of the city and released him. Louaillier was kept in prison until the official document announcing the peace was received. On the 22d of March the United States District Court ordered Jackson to show cause why an attachment should not issue against him for contempt of court in wresting an original document from the court, disobeying the writ of *habeas corpus*, and imprisoning the judge. Jackson refused to

answer save by a general vindication of his proceedings. This the judge refused to hear, and fined him $1,000.[1] In 1842 Tyler recommended Congress to refund this fine without reflecting on the court. J. Q. Adams said in a speech, January 6, 1843, that this was auctioneering for the presidency, all the factions desiring Jackson's support.[2] In 1844 Congress refunded the fine with interest, — total $2,700. In a letter to L. F. Linn, March 14, 1842,[3] Jackson refers to the fine as having been laid because he declared martial law.

In this incident Jackson displayed some of the faults of which he afterwards showed many instances. He spoiled his military success by this unnecessary collision with the civil authority. He proved himself wrong-headed and persistent in a course in which every step would have warned him of his error, if he had been willing to learn. Being committed by his first passionate and hasty step, he was determined to push through on the course he had adopted. He knew to a moral certainty from the 6th of March that the war was at an end. All these mischievous proceedings took place on and after that date. A very little concession and good will at any time would have avoided the whole trouble, but Jackson acted as if he was determined to grind out of the opposing opinions all the friction of which they were capable.

April 12th, Dallas, acting Secretary of War, wrote a

[1] Report of a committee of the House of Representatives; 64 Niles, 61 (1843). Cf. the account in 8 Niles, 246, and Judge Hall's response, *Ibid.* 272 (1815).

[2] 63 Niles, 312.

[3] 62 Niles, 212. For Jackson's own story of the fine, see 62 Niles, 326.

dispatch to Jackson, expressing the President's "surprise and solicitude," and asking for explanations of the proceedings of which reports had reached Washington; but as the matter was all past and dead, and no one desired to mar the exultation of the public or the personal satisfaction of Jackson, it was allowed to drop.

In the autumn of 1815 Jackson was in Washington; conferring with the War Department about the peace footing of the army. In the spring of 1816 he was at New Orleans on business of his military department.

CHAPTER III.

JACKSON IN FLORIDA.

Andrew Jackson took no important part in the election of 1816. He had favored Monroe in 1808, and he preferred him to the other candidates in 1816. Crawford was, at this time, Jackson's pet dislike. The reason for this was that Crawford, as Secretary of War, had modified Jackson's treaty with the Creeks, about which the Cherokees, deeming the terms unjust to them, had appealed to the President. Jackson resumed the negotiation, and bought again the lands ceded before. As the people of Tennessee, Georgia, and Alabama were interested in the cession, Jackson, by re-obtaining it after it had been given back, greatly increased his popularity.[1]

In October, 1816, a letter, signed by Jackson, was addressed to Monroe, in anticipation of his election to the presidency, urging the appointment of Wm. Drayton, of South Carolina, as Secretary of War. Wm. B. Lewis, Jackson's neighbor and confidential friend, husband of one of Mrs. Jackson's nieces, wrote this letter. As Parton says, one has no trouble in distinguishing those letters signed Jackson which have been copied and revised by Lewis, Lee, Livingston, and others, from those which have not been through that process.[2] It is difficult to

[1] 11 Niles, 143.

[2] A specimen of an unpolished Jackson letter may be seen in the extract on page 384.

see the significance of this letter and others which Jackson wrote during this winter (1816–17), unless he was being used to advance an intrigue on behalf of Drayton. Drayton had been a federalist. He belonged to the South Carolina aristocracy. No ties of any kind are known to have existed between him and Jackson, either before or after this time. Jackson said (in 1824) that he did not know Drayton in 1816.[1] Drayton was not appointed. These well-composed letters failed entirely of their immediate object; and they reposed in obscurity for seven years. Lewis was an astonishingly far-sighted man. We shall see abundant proofs, hereafter, of his power to put down a stake where he foresaw that it would be needed a little later, but it does not seem credible that he can have foreseen and prepared for the ultimate purpose which these letters served. In the course of his argument on behalf of Drayton, Jackson was led (in the letters) to discuss the general theory of appointments, and to urge Monroe to abandon the proscription of the federalists, to appoint them to office, and to promote reconciliation and good will. In the same letter he declared that he would have hung the leaders of the Hartford convention, if he had been in command in the eastern department in 1815. In 1823 and 1824 the letters were used with great effect to draw federalists to the support of Jackson. They were delighted with the tone and sentiment of them,[2] although a few winced at the reference to the Hartford convention. In 1828 the other aspect of the letters rather predominated. The democrats were not quite pleased that Jackson should have urged Monroe to appoint federalists and disregard party.[3]

[1] 26 Niles, 162. [2] Binns, 249.

[3] The whole correspondence, 26 Niles, 163 fg. See comments

Monroe was being acted upon, when Jackson wrote to him, from the other side, by those who wanted him to favor the Monroe faction in the republican party. He had enough to do to maintain himself between the two demands. He answered Jackson, admitting the high principle of the course Jackson advocated, but setting forth a theory of appointments more conformable to the exigencies of party politics.

April 22, 1817, Jackson published an order to his department forbidding his subordinates to obey any order from the War Department not issued through him. He had been much and justly annoyed at incidents in the service under him, of which he had not been informed beforehand, and also by direct orders issued from Washington, which interfered with his arrangements and frustrated them without his knowledge. On the merits of the question he was in the right, but his public "order" produced an unnecessary scandal and public collision in a case where a proper private representation to the department would have answered every purpose. Crawford was transferred to the treasury in October, 1816. There was difficulty in filling the position of Secretary of War. Calhoun was appointed October 8, 1817. He conceded the point claimed by Jackson, reserving only the cases of emergency.

Some persons informed Jackson that General Scott had animadverted upon his action in the matter just mentioned, and had characterized it as mutiny. September 8, 1817, Jackson wrote a fiery letter to Scott, calling him to account. Scott replied that, in private conversation, he had said that the order of April 22d

quoted, *Ibid.* p. 219. For the disapproval of the democrats, see Binns, 246.

was mutinous as to the future, and a reflection on the President, the Commander-in-Chief, as to the past. He disclaimed any personal feeling. Jackson replied in a very insulting letter, in which the well-battered question, Who of us two is the gentleman? did good service again, and wound up with a challenge to a duel. Scott declined the challenge on the ground of religious scruples and patriotic duty. The correspondence was almost immediately published. It created another scandal, for the public was not edified to see two of the first officers of the army engaged in such a quarrel.[1] Niles, who at this time greatly admired Jackson, and who is always a good representative of the average citizens of his time, refrained from publishing the correspondence until April, 1819.[2] In this case, again, Jackson showed evidence of an ungovernable temper and a willingness to profit by every opportunity for a quarrel.

There was, however, more public fighting at hand.

There were in Florida many refugee Indians of the Creek nation, who were hostile to the United States, and many runaway negroes. During the war the English had sought such aid as they could get from these persons in their operations against the United States. They had built a fort on the Appalachicola River, about fifteen miles from its mouth, and had collected there an immense amount of arms and ammunition. The English officers who were operating in Florida acted with a great deal of arbitrary self-will. They were not under strict responsibility to their own government. They were operating on Spanish territory. They were stirring up Indians and negroes, and were not commanding a

[1] 14 Niles, 295; 4 Adams, 323.

[2] 16 Niles, 121.

regular or civilized force. It is difficult to understand some of their proceedings in any point of view, and other of their doings certainly would not have been sanctioned by the English government, if known. The officers were able to gratify their own malice without responsibility.

When the war ended, the English left the arms and ammunition in the fort. The negroes seized the fort, and it became known as the "Negro Fort." The authorities of the United States sent General Gaines to the Florida frontier with troops, to establish peace on the border. The Negro Fort was a source of anxiety both to the military authorities and to the slave-owners of Georgia, and, according to some accounts, the first step was its investment. It is otherwise stated that the American authorities undertook to bring supplies up the Appalachicola for a fort which they were building in Georgia, and that the boats were fired on, after which the troops marched down from Georgia and invested the fort, having received permission to do so from the Spanish authorities at Pensacola, who also very unwillingly saw a great fortress established in their territory, and held by negroes and Indians.[1] The fort was bombarded. A hot shot penetrated one of the magazines, and the whole fort was blown to pieces, July 27, 1816. There were three hundred negro men, women, and children and twenty Choctaws in the fort; two hundred and seventy were killed. Only three came out unhurt,[2] and these were killed by the allied Indians.

Spain was engaged in hostilities with her revolted colonies in America. Filibusters and privateers took advantage of this state of things to carry on a certain grade of

[1] Document A, 55. [2] Document A, 69.

piracy and the slave-trade. Amelia Island, on the north-east coast of Florida, had been infested by smugglers, slavers, and freebooters ever since the war with England. In 1817 the island was occupied by a filibuster named McGregor, and later by another named Aury. They pretended to desire to render Florida independent, and there was a measure of honest intention in their plans, but the island was a nest of outlaws and a nuisance. The troops of the United States took possession of the island and drove the freebooters out, because Spain was not able to do so. Old causes of annoyance have been described above.[1] The hostile Indians and the freebooters were new causes of annoyance. The Georgians were also annoyed that their slaves found an easy refuge in Florida. It had been amply proven that Spain could not fulfil the duties which devolved upon her as owner of Florida. Yet she strenuously insisted that her sovereignty should be respected.[2] For all these reasons the United States was very anxious to buy Florida.

During 1817 there were frequent collisions on the frontiers between Whites and Indians. Ex-Governor Mitchell of Georgia, the Indian agent, the fairest and best informed witness who appeared before the committee of Congress in 1818–19, deposed that the blame for these collisions was equal, that one party was as often the aggressor as the other, and that the lawless persons in Florida were especially to blame for acts of injury which provoked retaliation.[3] When Gaines wrote to the chief Kenhigee that his Indians had killed Whites, the chief replied that four Indians had been killed for

[1] See page 20.

[2] Document A, 55.

[3] 16 Niles, 85.

every White.[1] The reports which were sent North were, as usual in such cases, only such as tended to show an aggressive disposition on the part of the Indians.[2]

On the 20th of November, General Gaines sent a force of two hundred and fifty men to Fowltown, the headquarters of the chief of the "Redsticks," or hostile Creeks. They approached the town in the early morning, and were fired on. An engagement followed. The town was taken and burned. Gaines's dispatch to the Governor of Georgia puts the number of Indians killed at four.[3] Ex-Governor Mitchell of Georgia, quoted above, said, "This fact was, I conceive, the cause of the Seminole war." It is, however, fair to say that Mitchell was unfriendly to Gaines and to Jackson.[4] The Indians of that section, after this, began general hostilities, attacked the boats which were ascending the Appalachicola, and massacred the persons in them. Gaines states no reason at all for sending a force against Fowltown, except that he had invited the chief to visit him, in order to find out "whether his hostile temper had abated." The chief refused to come. The friendly Indians said that the Fowltown Indians had been hostile ever since the last war. Therefore Gaines sent a force equal to the number of Indians in the town "to bring the chief and warriors, and, in the event of resistance, to treat them as enemies." When the Indians saw this force approaching they fired on it, stood fire once, and then ran away. Their property was then all destroyed, and the United States had an Indian war on its hands.

[1] Document A, 140.

[2] See the items of news from Florida in 13 Niles.

[3] 13 Niles, 296. [4] 43 Niles, 80.

In December, on receipt of intelligence of the battle at Fowltown and the attack on the boats, Jackson was ordered to take command in Georgia. He wrote to President Monroe: "Let it be signified to me through any channel (say Mr. J. Rhea) that the possession of the Floridas would be desirable to the United States, and in sixty days it will be accomplished." Much was afterwards made to depend on this letter. Monroe was ill when it reached Washington, and he did not see or read it until a year afterwards, when some reference was made to it. Jackson construed the orders which he received from Calhoun with reference to this letter. He also afterwards affirmed that Rhea wrote to him that the President approved of his suggestions,[1] but he could not produce that letter. He had burned it. He certainly supposed, however, that he had the secret concurrence of the administration in conquering Florida.

When the orders to take command reached Jackson, the Governor of Tennessee was absent from Nashville. Jackson proceeded to raise troops in Tennessee on his own responsibility; he being authorized to call on the Governors of the States which were neighbors to the scene of war. He pushed on his preparations with great energy and celerity. His acts were approved both by the state and federal authorities. He advanced through Georgia with great haste, and was on the Florida frontier in March, 1818. He ordered part of his provisions sent to Fort Scott by the Appalachicola, on which the Spaniards had no fort, and he sent word to the Spanish commander at Pensacola that if the fort at Barrancas hindered his supply boats from ascending the Escambia he should consider it an act of hostility to the United

[1] 8 Adams, 404.

States. These were, to say the least, very aggressive proceedings against a nation with which we were at peace, for a man who had been thrown into paroxysms of rage and energy at the idea of a redcoat resting on the soil of Louisiana during a public war. Jackson immediately advanced to St. Mark's, which place he captured. On his way down the Appalachicola he found the Indians and negroes at work in the fields, and unconscious of any impending attack. Some of them fled to St. Mark's. His theory, in which he supposed that he was supported by the administration, was that he was to pursue the Indians until he caught them, wherever they might go; that he was to respect Spanish rights as far as he could consistently with that purpose; and that the excuse for his proceedings was that Spain could not police her own territory, or restrain the Indians. Jackson's proceedings were based on two positive but arbitrary assumptions: (1) That the Indians got aid and encouragement from St. Mark's and Pensacola. (This the Spaniards always denied, but perhaps a third assumption of Jackson might be mentioned: that the word of a Spanish official was of no value.) (2) That Great Britain kept paid emissaries employed in Florida to stir up trouble for the United States. This latter assumption was a matter of profound belief generally in the United States. Niles's reports and criticisms of events in Florida all proceed from that assumption.[1] The English government disavowed every act of Colonel Nichols with the Indians which took definite shape and could be dealt with at all. The Indians whom he took to England were kindly treated, but were not encouraged to look to England for any assistance or countenance.

[1] 14 Niles; all the articles on Florida.

It was not easy to break off the connections which had been established, and destroy the hopes which had been raised, during the war, but there is not the slightest evidence that the English government did not act in good faith, or that it was busy in such contemptible business as employing emissaries to stir up some 2,000 savages to wage a frontier war on the United States. Jackson's assumption, however, had serious import for two unfortunate individuals.

A Scotchman, Alexander Arbuthnot, was found by Jackson in St. Mark's. When the fort was taken Arbuthnot mounted his horse to ride away, but he was seized, and put in confinement. He was an Indian trader, who had been in Florida for many years. He had established as intimate and friendly relations as possible with the Indians for his own security and advantage in trade. He had also sympathized with the Indians, and had exerted himself in their behalf in many quarters.

Several American vessels of war lay in the bay of St. Mark's to coöperate with the land forces. By displaying English colors on these ships, two Indian chiefs, Hillis Hajo (or Francis) and Himollemico, were enticed on board and made prisoners. They were hung by Jackson's order. They had tortured and massacred prisoners after the Indian fashion, but no one has ever explained by what law or usage known in the service of the United States they were put to death, when thus captured by stratagem, and not even on the field of battle.

Jackson pushed on with the least possible delay to the Suwanee River, where were the headquarters of Boleck (Billy Bowlegs), the Seminole chief. Arbuthnot had

a trading-post there. When he had heard of Jackson's advance, he had written to his son, who was his agent at Boleck's village, to carry the goods across the river. Through this letter the Indians got warning in time to cross the river and take to the swamps. Their escape enraged Jackson. He had already regarded Arbuthnot as one of the British emissaries. He now considered Arbuthnot's letter an overt act of interference in the war. The town was burned by Jackson. In its neighborhood he captured an Englishman named Robert Ambrister, an ex-lieutenant in the British marines, and nephew of the Governor of New Providence. This man was taken prisoner to St. Mark's, the troops being on their way homewards, and the war being over. A court-martial was convened at St. Marks. Arbuthnot was tried for (1) inciting the Creek Indians to war against the United States; (2) being a spy and aiding the enemy; (3) inciting the Indians to murder two white men named. The court found him guilty of the first charge and of the second except of being a spy, and condemned him to be hung. There was no evidence at all against him on any charge.[1] His business in Florida was open and obvious. He had always advised the Indians to peace and submission. His letter to his son was not open to censure. Can traders be executed if their information, not transmitted through the lines, frustrates military purposes? As Arbuthnot construed the Treaty of Ghent the Indians were to have their lands restored, and he told them so. There was so much room for this construction that diplomatic meas-

[1] Report of the trial in full, 15 Niles, 270. All the documents about the Negro Fort and the invasion of Florida are in Document A.

ures were necessary to set it aside. Peace had been made with the Creeks before the Treaty of Ghent was made.

Ambrister was tried for inciting the Indians and levying war. His case was different. He had no ostensible business in Florida. He was an adventurer, and it is not clear what he hoped or intended. He threw himself on the mercy of the court. He was condemned to be shot. This sentence was reconsidered, and he was then condemned to fifty lashes and a year of hard labor. Jackson disapproved of the reconsideration, revived the first sentence, and ordered both men to be executed. April 29, 1818, he left St. Mark's, having detached a force to hold that place and to execute the sentence. The same day both men were executed. Arbuthnot was seventy years old; Ambrister was thirty-three.

It was as a mere incident of his homeward march that Jackson turned aside and captured Pensacola, May 24, 1818, because he was told that some Indians had taken refuge there. He deposed the Spanish government, set up a new one, and established a garrison. He then continued his march homewards. On his way he heard of an attack by Georgia militia on the villages of friendly and allied Indians, and he became engaged in a fiery correspondence with Governor Rabun of Georgia about that affair. He was in the right, but it was another case in which by violence he provoked anger and discord, when he might have accomplished much more by a temperate remonstrance.

In the whole Florida matter we see Jackson proceeding to summary measures on inadequate facts and information. He "knew" how the matter stood by the current prejudices and assumptions, not by evidence and

information. This was the tone of his mind. Notions and prepossessions which once effected a lodgment in his mind, because circumstances gave them a certain plausibility, or because they fell in with some general prejudice or personal bias of his, immediately gained for him the character of obvious facts or self-evident truths. He then pursued such notions and prepossessions to their last consequences, and woe to any one who stood in the way.

General Jackson had, in five months, broken the Indian power, established peace on the border, and substantially conquered Florida. This five months and the eighteen months service in 1813–15 is all the actual service he ever saw. The Seminole war was in its relations and effects one of the most important events in our history, but in itself it was one of the most insignificant of our Indian campaigns. Jackson had an overwhelming force. The report of the Senate committee of 1819 puts his force at 1,800 whites and 1,500 friendly Indians. The hostile Indians were never put by anybody at a higher number than 2,000. This committee put them at 1,000, not over half of whom, at any one time, were in front of Jackson. The allied Indians did all the fighting. They lost twenty men in the campaign. Not one white man was killed. The number of hostile Indians killed is put at sixty.[1]

The trouble with Jackson's achievements was that he had done too much. The statesmen and diplomatists could not keep up with him, and the tasks he threw on them were harder than those he performed in the field. The administration was not aware that it had authorized him to violate neutral territory. Federal administrations

[1] Perkins, 113.

in those days were always timid. They did not know the limits of their power, or what they dared do. Monroe was especially timid. His administration wanted to buy Florida, not conquer it. They did not thank Jackson for plunging them into such a difficulty with Congress and with England and Spain all at once. The two Indian captives who had been hung had no friends, but their execution was an awkward thing to justify before the civilized world. The execution of the two Englishmen was likely to provoke a great deal of diplomatic trouble. Jackson had been perfectly sure about the law. He laid it down in the order for the execution. "It is an established principle of the law of nations that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and a pirate." If the facts are admitted, such a person undoubtedly forfeits his allegiance, and cannot demand the protection of his sovereign, whatever may happen to him. On this ground the English government took no steps in relation to the execution of Arbuthnot and Ambrister, beyond an inquiry into the facts of their alleged complicity in the war,[1] and that inquiry was not pushed as we may hope that the government of the United States will push the inquiry, if an American citizen is ever executed as Arbuthnot was. The doctrine of Jackson's order, that a person who engages in a war to which his country is not a party becomes an outlaw and pirate will not stand. As has been well said, there were a large number of foreigners in the American army during the Revolution, who, on this doctrine, would, if captured by

[1] 1 Rush, 473. "War might have been produced on this occasion 'if the ministry had but held up a finger.'" (488.)

the English, have forfeited their lives. The United States would have protected any such persons by retaliation or otherwise. The Creeks were not a nation in international law, they were not the possessors of the soil on which they lived and fought; there had never been a declaration of war; yet they were not rebels against the United States, and it could not be denied that they had some belligerent rights. Whatever rights they had, the Englishmen, even if they had been complete and unquestioned allies, must also have been entitled to from the American authorities. If, then, the Indians were not to be hunted down like wild beasts, or executed by court-martial, if captured, for levying war on the United States, the Englishmen were executed without right or law. There never was any proof that anybody incited the Indians. The attack on Fowltown precipitated hostilities in a situation where lawless men and savages, by mutual annoyance, outrage, and retaliation, had prepared the warlike temper. When the matter was investigated this appeared, and it was seen that Jackson had acted unjustifiably, because without evidence or law. The popular feeling, however, would not allow him to be censured. Niles, who well represents the popular temper, believed in the emissary theory, and when that theory broke down he became angry.[1] He also expressed the popular feeling with great exactness in this paragraph: "The fact is that ninety-nine in a hundred of the people believe that General Jackson acted on every occasion for the good of his country, and success universally crowned his efforts. He has suffered more hardships and encountered higher responsibilities than any man living in the United States to serve us, and has

[1] See his editorial, 16 Niles, 25.

his reward in the sanction of his government and the approbation of the people." With this dictum the case was dismissed, and the matter stood so that General Jackson, having done important public service, could not be called to account, although he had hung four persons without warrant of law. His popularity had already begun to exercise a dispensing power in his favor. A committee of the House of Representatives,[1] at the next session, reported a vote of censure on him for the execution of the Englishmen, but the House, after a long debate, refused to pass it.

Jackson's proceedings came up in Monroe's cabinet on the question what to do with him and his conquests. Calhoun was vexed at Jackson's insubordination to the War Department. He wanted Jackson censured. The President and the whole cabinet, with the exception of Adams, disapproved of Jackson's conduct in invading Florida, and were ready to disavow his proceedings and make reparation. On Adams would fall the labor of vindicating Jackson's proceedings diplomatically, if the administration should assume the responsibility for them. He avowed himself ready to undertake the task, and to perform it substantially on the grounds on which Jackson justified himself. It was agreed that Pensacola and St. Mark's should be restored to Spain, but that Jackson's course should be approved and defended on the grounds that he pursued his enemy to his refuge, and that Spain could not do the duty which devolved on her. The President, however, countermanded an order which Jackson had given to Gaines to seize St. Augustine because some Indians had taken refuge there. All the members of the cabinet agreed to the policy decided

[1] 15 Niles, 394.

on, and all loyally adhered to it, the secret of their first opinion being preserved for ten years. Calhoun wrote to Jackson in accordance with the agreement, congratulating and approving. Jackson inferred that Calhoun had been his friend in the cabinet all the time, and that his old enemy, Crawford, had been the head of the hostile party. The political history of this country was permanently affected by the personal relations of Jackson to Calhoun and Crawford on that matter. Monroe had a long correspondence with Jackson to try to reconcile him to the surrender of the forts to Spain. In that correspondence Jackson did not mention the Rhea letter.

At the next session of Congress (1818–19) the proceedings in Florida were made the subject of inquiry, and were at once involved in the politics of the day. Clay was in opposition to the administration because he had not been made Secretary of State. He refused the War Department and the mission to England. His opposition was factious. After the administration assumed the responsibility for Jackson's doings, Clay opened the attack on them. Here began the feud between Clay and Jackson. The latter was in a doubly irritable state of mind between the flatterers on one side and the critics on the other. The personal element came to the front. Any one who approved of his acts was his friend; any one who criticised was his enemy; whether any personal feeling was brought to the discussion of a question of law and fact or not. There are some facts which look as if Clay and Crawford had begun to regard Jackson as a possible competitor for the presidency. Crawford was in communication with the committees on the Seminole war, apparently instigating

action, while Calhoun tried to quell the excitement and avert action, out of loyalty to the decision adopted by the administration of which he was a member.[1] The Georgian friends of Crawford in Congress led the attack on Jackson.[2] Crawford and Calhoun were enemies. Adams was writing dispatches and preparing instructions, by which, both with England and Spain, he succeeded in vindicating Jackson's proceedings. He and Jackson were, at this time, friends, and one scheme was to make Jackson Vice-President on a ticket with Adams.[3] Adams's defence of Jackson was very plausible, and it was fortified line by line with references to the documentary proofs, yet if it had been worth any one's while, either in England or this country, to examine the alleged proofs, all the case against Arbuthnot would have been found baseless. Adams quotes a certain letter as proof that Arbuthnot was not truly a trader, but had concealed purposes. The letter bears no testimony at all to the fact alleged.[4] Rush cited to the English minister another proof of this, which is equally frail, and only proves that Arbuthnot had taken trouble to try to serve the Indians out of pity for them.[5] His letter to his son, besides warning him to save as much as possible of their property, contained a message to Boleck not to

[1] See Lacock's letter of June 25, 1832, in answer to Jackson's interrogatories. (43 Niles, 79.)

[2] 8 Adams, 240.

[3] Adams said (in 1824) that the vice-presidency would be a nice place for Jackson's old age. Jackson was four months older than Adams. This is not so ridiculous as it would be if Jackson had not pleaded old age and illness as a reason why he should not go to the Senate in 1823. (See 6 Adams, 633.)

[4] Document A, 20, cf. 147.

[5] 2 Rush, 52, cf. Document A, 215.

resist the Americans.[1] The Senate committee reported February 24, 1819 (Lacock's Report), strongly against Jackson on all the points from the independent recruiting down to the taking of Pensacola.[2] No action was taken. Jackson had been in Washington during the winter watching the proceedings. In February he made an excursion as far north as New York. He was received everywhere with enthusiasm. There was a story that he was so angry at some of the proceedings in censure of him that he went to the Senate chamber to waylay some persons who had displeased him. He denied this.

In 1819 the purchase of Florida was effected, although the treaty was not ratified until February 22, 1821. In this treaty the western boundary of the Louisiana purchase was for the first time defined. Adams, while the negotiations were pending, called on Jackson, and consulted him about the boundary to be contended for.[3] Jackson's interest then centred in Florida, and he cared comparatively little for the wilderness of Texas. He thought that the line of the Sabine might well be accepted, if Florida could thereby be secured. Monroe and his cabinet seem to have cared just as little for Texas. Adams's diary shows that he was not heartily supported in the efforts he was willing to make to push the line westward. Jackson's opinion about claiming Texas was of no value, but the fact that he was consulted showed the amount of respect and consideration which the administration was willing to pay him. In 1836, and again in 1843, Adams, citing his diary, declared that Jackson had been consulted, and had approved the Florida treaty. Jackson contradicted and denied it in a violent and insulting manner.

[1] Document A, 137. [2] 16 Niles, 33. [3] 8 Adams, 238–9.

In the spring of 1821 Jackson was appointed Governor of Florida, under the belief that the public would be glad to see him so honored. On July 21st of the same year he published general orders,[1] taking leave of his army, a reduction having been made by which he had been thrown out. In these orders, or in a postscript to them, he managed to come into collision with his colleague and senior, Major-General Brown, then chief in command of the army of the United States, by taking up and criticising an order "signed Jacob Brown," especially in regard to the punishment for desertion. Brown was a New York militia general, some eight years younger than Jackson, who had distinguished himself, in the general ill-success of the war, by some small successes on the northern frontier. He seemed to be the coming military hero of the war until he was eclipsed by Jackson. He took precedence of Jackson by seniority of appointment, and so became chief in command. It had become evident now that Jackson needed much room in the world for all his jealousies and animosities, and that his fellow-men must put up with a great deal of arrogance and misbehavior on his part. His popularity shielded him. He had become a privileged person, like a great nobleman of the last century. To offend him was to incur extraordinary penalties. To get in his way was to expose one's self to assaults which could not be resented as they would be if they came from another man. All this he had won by military success. One is led, then, to inquire, what was the measure of this military service? It was but a little over two years of Indian fighting, with only one battle against a civilized foe.

[1] 21 Niles, 53.

At least it seemed fair to expect that he would observe military discipline and decorum. But he did not do so, and no one dared call him to account.

Congress did not have time to legislate for the territory of Florida, after the treaty was ratified, before the end of the session. An act was passed extending to the new territory only the revenue laws and the law against the slave-trade. Jackson was appointed Governor in April, with all the powers of the Captain-General of Cuba and the Spanish Governors of Florida, except that he could not lay taxes or grant land. His position was therefore a very anomalous one, — an American Governor, under Spanish law, of an American territory not yet under the Constitution and laws of the United States. Long delays, due to dilatoriness and inefficiency, postponed the actual cession until July 17th. Meanwhile Jackson was chafing and fuming, and strengthening his detestation of all Spaniards.

In September certain persons represented to Jackson that papers which were necessary for the protection of their interests were being packed up, and would be carried away by the Spanish ex-Governor, contrary to the treaty. There were five or six sets of papers about property and land grants [1] which were in demand. There had been complaints against the Spaniards for granting lands belonging to the crown between the making and the ratification of the treaty. Jackson no doubt believed the worst against them. The persons who claimed his aid were weak and poor. With characteristic chivalry and impetuosity, he sent an officer to seize the papers. The ex-Governor, Callava, refused to give up any papers unless they were described, and

[1] 21 Niles, 150.

a demand for them was addressed to him as Spanish commissioner. He and Jackson seem to have worked at cross-purposes unnecessarily. It is hard to make out what the misunderstanding was (although the use of two languages might partly account for it), unless Jackson was acting under his anti-Spanish bias. Jackson ended by sending Callava to the calaboose. Parton, who gives some special and interesting details derived from Brackenridge, the alcalde and interpreter, says that Callava saw the ridiculous side of the affair, and that he and his friends "made a night of it" in the calaboose. Jackson sent an officer to Callava's house to take the papers, and then ordered Callava to be discharged.

Eligius Fromentin, of Louisiana, had been appointed judge of the western district of Florida. He, upon application, issued a writ of *habeas corpus* for Callava. Jackson summoned Fromentin before him to show cause why he had interfered with Jackson's authority as Governor of the Floridas with the powers of the Captain-General of Cuba, as "Supreme Judge," and as "Chancellor." Fromentin sent an excuse on the ground of illness. The next day he went to see Jackson, and after a fierce interview each prepared a "statement" to send to Washington. Callava went to Washington to seek satisfaction. Some of his friends published, at Pensacola, a statement in his defence. Thereupon Jackson ordered them out of Florida at four days' notice, on pain of arrest for contempt and disobedience, if they were found there later. After all, the heirs of Vidal, who stirred up the whole trouble, were, according to Parton, indebted to the Forbes firm, against which they wanted to protect themselves.[1] This would not affect

[1] 2 Parton, 638.

their right and interest in securing papers properly theirs. Whether the papers were being carried away, and did properly belong to the claimants, is not known.[1]

About the time of the trouble with Callava, Worthington, the Secretary and acting Governor of East Florida, was having a contest with Coppinger, the Spanish Governor of East Florida, about papers which the former seized under Jackson's orders.

Here, then, was another trouble which Jackson had prepared in about six months' service for his unhappy superiors. He was ill and disgusted with his office. He resigned and went home in October. It is plain that he had acted from a good motive against Callava, and, being sure of his motive, he had disregarded diplomatic obligations, evidence, law, propriety, and forms of procedure. Those things only enraged him because they balked him of the quick purpose, born of his sense of justice and of his sympathy with an *ex parte* appeal to his power. (Such a man is a dangerous person to be endowed with civil power.) As to his quarrel with Fromentin, it was a farce. If Jackson had been a man of any introspection, he must have had, ever after, more charity for the whole class of Spanish governors, when he saw what an arrogant fool he had made of himself while endowed with indefinite and irresponsible power.

Monroe's cabinet unanimously agreed that, as the only laws which had been extended to Florida were the revenue laws and those against the slave-trade, Fromentin's jurisdiction was limited to those laws,[2] and he could not

[1] All the documents are in Folio State Papers, 2 *Miscellan.* 799. The important papers are in 21 Niles.

[2] For Fromentin's own theory of his action, which was plainly erroneous, see 21 Niles, 252.

issue a writ of *habeas corpus*. The President, Calhoun, and Wirt thought that he was not amenable for his error to Jackson. Adams took Jackson's part in this matter also. He said that Fromentin had violated Jackson's authority.[1] The cabinet discussed the subject for three days without reaching a decision. They were greatly perplexed as to the law and justice of the matter, and also as to its political effect. Congress took it up, and the newspapers were filled with it. At first the tide of opinion was against Jackson, but his popularity reacted against it, and the affair did not hurt him.

In 1823 Jackson was offered the mission to Mexico. He declined it. Soon afterwards he published in the Mobile "Register" a letter stating his reasons for declining. These reasons were a reflection on the administration, because they showed cause why no mission ought to be sent. The letter was calculated to win capital out of the appointment at the expense of the administration which had made it.[2] Monroe must have been often reminded of what Jefferson said to him, in 1818, when he asked whether it would not be wise to give Jackson the mission to Russia: "Why, good G—d, he would breed you a quarrel before he had been there a month!"[3]

[1] 5 Adams, 359, 368 to 380.
[2] 24 Niles, 280.
[3] 4 Adams, 76.

CHAPTER IV.

ELECTION OF 1824.

The congressional caucus met April 8, 1820. The question was whether to nominate any candidates for President and Vice-President. Adams says that the caucus was called as part of a plan to nominate Clay for Vice-President. About forty members of Congress attended. R. M. Johnson offered a resolution that it was inexpedient to nominate candidates. This resolution was adopted, and the caucus adjourned.[1] Monroe received, at the election, every electoral vote save one, which was cast by Plumer, in New Hampshire, for Adams. Tomkins was reëlected Vice-President, but he received fourteen less votes than Monroe. His reputation was declining. In raising money for the public service during the war he had engaged his own security. His book-keeping was bad, and his accounts and the public accounts became so entangled that he could not separate them.[2] On the one hand, he claimed that he was a creditor and heavy loser by the steps which he had taken out of patriotic zeal for the public service, which steps had been of great benefit to the country. On the other hand, the controller of the State of New York found that Tomkins could not account for all the money which had passed through his hands, and which amounted to over three million dol-

[1] 5 Adams, 58, 60.

[2] 1 Hammond, 508 fg.

lars. The affair was immediately entangled in the faction fights of New York, the Bucktails taking sides with Tomkins, and the Clintonians against him. The controller of the State and the Vice-President of the United States were engaged, in 1818 and 1819, in a bitter correspondence.[1] Tomkins became bankrupt, and acquired the reputation of a defaulter. Finally, in 1821, an act was passed by the state Legislature to balance his accounts without payment either way.[2] He was not able for some years to draw his salary as Vice-President, because he stood a defaulter also on the books of the federal treasury. He stood a suit in 1822 in the United States District Court and won it.[3] In 1823 a committee of the House reported in his favor,[4] and an act appropriating $35,190 for his relief was passed. In April, 1824, Monroe sent in a message, the matter having been referred to him, in which he found $60,239[5] due Tomkins. The trouble was that, in order to show himself a creditor, Tomkins had to include in his accounts interest, commissions, damages, allowances, etc., with interest on them all; that is, all the ordinary and extraordinary charges which a broker would make for finding funds for an embarrassed client. If these charges were all allowed, Tomkins could claim no credit for patriotism. If he was to keep the credit of extraordinary patriotism, he was a debtor. In 1816 he was very popular and had high hopes of the presidency. In 1825 he retired neglected and forgotten. He died in June, 1825.

During Monroe's second term each of the personal factions was intriguing on behalf of its chief, and striv-

[1] 15 Niles, 425; 17 Niles, 21.
[2] 1 Hammond, 542.
[3] 22 Niles, 242.
[4] 23 Niles, 406.
[5] 26 Niles, 158.

ing to kill off all the others. There were no real issues. On the return of peace in 1815, the industries which had grown up here during the war to supply needs, which could not, under the then existing laws, be supplied by importation, found themselves threatened with ruin. The tariff of 1816, although its rates were of course far below the "double duties" which had been levied during the war, was supposed at the time to be amply protective. It had been planned to that end. The embargo, non-intercourse, and war had created entirely artificial circumstances, which were a heavy burden on the nation as a whole, but which had given security and favor to certain manufacturing industries. There was no way to "protect" the industries after peace returned except to reproduce by taxes the same hardship for everybody else, and the same special circumstances for the favored industries, as had been produced by embargo and war. In 1819 a great commercial crisis occurred, which prostrated all the industry of the country for four or five years. So long as vicious and depreciated currencies existed in Europe, there was less penalty for a vicious currency here; but as fast as European currencies improved after the return of peace, gold and silver began to go to the countries of improving currency, and away from the countries where the currency still remained bad. The "hard times" were made an argument to show that more protection was needed; that is, that the country had been prosperous during war, and that the return of peace had ruined it, unless taxes could be devised which should press as hard as the war had done. The taxes had not indeed been made so heavy as that, and so more were needed. Currency theorists also arose to anticipate all the wisdom of later days. They proved

that the people of the United States, with a great continent at their disposal, could not get out of the continent an abundance of food, clothing, shelter, and fuel because they had not enough bits of paper stamped "one dollar" at their disposal. The currency whims, however, hardly got into politics at that period.

In 1820 a strong attempt was made to increase the tariff, to do away with credit for duties, and to put a check on sales at auction. As the presidential election was uncontested, power to carry these bills could not be concentrated. In 1824 the case was different. No faction dared vote against the higher tariff for fear of losing support.[1] The tariff was not, therefore, a party question. The act was passed May 22, 1824, by a combination of Middle and Western States against New England, and on a combination of the iron, wool, hemp, whiskey, and sugar interests. New England, as the commercial district, was then for free trade.

Jackson had been elected to the Senate in the winter of 1823–24. Parton brings the invaluable testimony of William B. Lewis as to the reason why and the way in which Jackson was elected.[2] John Williams had been senator. His term expired. He was an opponent of Jackson. He was a candidate for reëlection, and was so strong that no Jackson man but Jackson himself could defeat him. Hence the men who were planning to make Jackson President, of whom Lewis was the chief, secured Jackson's election to the Senate. While the tariff question was pending, a convenient person — Dr. Coleman, of Warrenton, Va. — was found to interrogate Jackson about it. His letter in reply was the first of the adroit letters or manifestoes by means of

[1] 24 Niles, 324. [2] 3 Parton, 21.

which the Jackson managers carried on the campaign in Jackson's favor. They developed this art of electioneering in a way then not conceived of by other factions. The Coleman letter was a model letter of its kind. It said nothing clear or to the point on the matter in question. It used some ambiguous phrases which the reader could interpret to suit his own taste. It muddled the question by contradictory suggestions, bearing upon it from a greater or less distance, and from all points of view, and it failed not to introduce enough glittering platitudes to make the whole pass current. Jackson voted for the tariff and for a number of internal improvement schemes, which votes were afterwards quoted against him.[1]

Jackson was therefore fairly started as a candidate for the presidency. Among all the remarkable accidents which opened his way to the first position in the country, it was not the least that he had William B. Lewis for a neighbor and friend. Lewis was the great father of the wire-pullers. He first practised in a masterly and scientific way the art of starting movements, apparently spontaneous, at a distance, and in a quarter from which they win prestige or popularity, in order that these movements may produce, at the proper time and place, the effects intended by the true agent, who, in the mean time, prepares to be acted on by the movement in the direction in which, from the beginning, he desired to go. On this system political activity is rendered theatrical. The personal initiative is concealed. There is an adjustment of *rôles*, a *mise en scène*, and a constant consideration of effect. Each person acts on the other in prearranged ways. Cues are given and

[1] 38 Niles, 285.

taken, and the effect depends on the fidelity of each to his part. The perfection of the representation is reached when the audience or spectators are disregarded until the finale, when the chief actor, having reached the *dénoûment* towards which he and his comrades have so long been laboring, comes to the footlights and bows to the "will of the people." Lewis showed great astuteness in his manœuvres. There was nothing vulgar about him. There was a certain breadth of generalship about his proceedings. He was very farsighted and prudent. He had the great knowledge required by the wire-puller, — knowledge of men. He knew the class amongst whom Jackson's popularity was strongest. He knew their notions, prejudices, tastes, and instincts. He knew what motives to appeal to. He wrote very well. When he wanted to go straight to a point he could do so. When he wanted to produce effects or suggest adroitly, without coming to the point, he could do that too. He also knew Jackson well. He no doubt sincerely loved and admired Jackson. He threw his whole soul into the undertaking to elect Jackson, but he never showed any selfish or interested purposes in that connection. So long as Jackson was uninformed or unprejudiced on any matter he was at the disposition of any one who had won his confidence, and who desired to influence him on that matter. He could then be led to accept any view of it which was put before him in a way to strike his mind. Lewis knew how to put a thing before Jackson's mind. However, when Jackson had adopted any view or notion, his mind became set or biassed, and it was not easy, even for those who first influenced him, to deflect his mind from rigidity of inference, or his conduct from direct deduction.

He often outstripped the wishes and intentions of those who had moved him first. To contradict him, at that stage, would have been to break friendship. Lewis treated him with great tact and influenced him very often, but he did not control him or manage him. It would have been a good thing for the country if no worse man than Lewis had ever gained influence over Jackson.

Parton obtained from Lewis a description of the first steps towards Jackson's nomination. Lewis tells how he used Jackson's letters to Monroe to win influential federalists to Jackson's support. It was after Jackson's return from Florida, in 1821, that the project was definitely decided upon. At first Jackson rejected, with some temper, the suggestion that he could or would run for President. He did not consider himself the right sort of man, and he felt old and ill. In the spring of 1822 Lewis went to North Carolina, and worked up his connections there for Jackson. On the 20th of July, 1822, the Tennessee Legislature made the formal nomination. During the next two years Jackson's supporters were gaining connections and undermining the caucus, for he was an independent candidate and a "disorganizer," because he was raised up outside of the machine, and without any consultation with the established party authorities.

Certain features of Jackson's character have appeared already. We have seen some of his elements of strength and some of his faults. The nation wanted to reward him for military achievements and for a display of military virtues. They had discarded dukedoms, pensions, ribbons, and orders, and they had no sign of national gratitude to employ but election to civil office. So far

Jackson had not made public display of any qualities but those of a military man, and violence, indiscretion, obstinacy, and quarrelsomeness. In the campaign, those who opposed him called him a "murderer." The only incidents of his life which the biographer can note, aside from his military service, are successive acts of impropriety and bad judgment. Negatively, however, there was more to be said for Jackson. He was above every species of money vice; he was chaste and domestic in his habits;[1] he was temperate in every way; he was not ambitious in the bad sense.

There were already four other candidates in the field, who all belonged to the democratic-republican party. Niles gives an instance in which seven democrats met at Philadelphia, who all were for Schulze, the democratic candidate for Governor. Each candidate for President had a supporter among them, and no candidate had over two.[2] De Witt Clinton was not altogether out of consideration. A caucus of the South Carolina Legislature nominated Lowndes.[3]

John Quincy Adams stood first among the candidates by his public services and experience. He was fifty-seven years old. He went to Europe with his father when he was eleven years old, and studied there for several years. He was, through his father, intimate from his earliest youth with public and diplomatic affairs. As far as education and early training could go, he had the best outfit for a statesman and diplomat. He enjoyed great respect. Those who thought that a man ought to advance to the presidency through lower grades of public employment looked upon him as the most suit-

[1] The only contrary suggestion known is in Binns, 245.

[2] 24 Niles, 369.

[3] 5 Adams, 468.

able candidate. He was not a man of genius, but one of wide interests, methodical habits, and indefatigable industry. It is hard to see what he ever did, from his earliest youth, for amusement and entertainment. He would have been a better statesman if he had been more frivolous. He was unsocial in his manners, had few friends, and repelled those who would have been his friends. So far as we can learn, he engaged in no intrigues for the presidency. He certainly had the smallest and least zealous corps of workers. His weakness was that the great body of the voters did not have any feeling that a man with the qualifications which he possessed was needed for the presidential office. He had been a democrat since 1807, when he went over to the administration party because he believed that the New England federalists were plotting secession. His soundness in "democratic principles" was doubted. He was earnestly disliked by all the active politicians. In the campaign he was called a "tory." Adams was charged with offering, at Ghent, to yield to the English the right of navigating the Mississippi, if they would renew the rights to fish in Canadian waters; that is, with offering to sacrifice a Western interest to serve an Eastern one. He published a small volume to expose the untruth of this charge and the character of the evidence by which it was supported.[1] In his own opinion, this attack helped him.[2] He was in favor of the tariff as it stood in 1824. He thought that it gave enough protection. He was also in favor of internal improvements, but thought they might be abused.[3] He was ac-

[1] The Duplicate Letters, the Fisheries, and the Mississippi.

[2] 6 Adams, 263.

[3] 6 Adams, 353, 451.

cused of undemocratic care for etiquette, and also of slovenliness in dress.

Calhoun enjoyed great popularity in New England, in New York city, and in Pennsylvania, as well as at home. He was forty-two years old, and was the "young men's candidate." He had actively favored the tariff of 1816 and the bank, and also plans for internal improvements. In October, 1822, Adams wrote: "Calhoun has no petty scruples about constructive powers and state rights."[1] Calhoun and Adams had been strong friends, and there was some idea of putting Calhoun on the ticket with Adams until 1822, when some members of Congress nominated Calhoun for President.[2] Webster preferred Calhoun to all the other candidates.[3] His brother wrote that Calhoun was the second choice of New Hampshire.[4] Calhoun took the War Department in 1817, when it was in great disorder. He had to bear a great deal of abuse before he got it in order, but later he was much praised for the system he had introduced.[5] He and Crawford were especial rivals, because Crawford was the "regular" Virginia and Southern candidate. In 1822 attempts were made to injure Calhoun by an investigation of a contract for building the Rip Raps at Old Point Comfort. The contract was private, not competitive. He was exonerated by a committee of the House.[6] As we shall see, Calhoun withdrew his name before the election.

[1] 6 Adams, 75.

[2] 6 Adams, 42.

[3] 1 Curtis's *Webster*, 218, 236.

[4] 1 Webster's *Correspondence*, 323.

[5] 26 Niles, 50. Adams thought this praise undeserved. (7 Adams, 446.)

[6] 22 Niles, 251.

Crawford was the regular candidate. He was fifty-two years old. In 1798 he had been an "Addresser," that is, an orthodox federalist.[1] He had also been a supporter of the old bank, and had been the leader in the Senate for the renewal of its charter. He had also opposed the embargo.[2] He had been very eagerly working for eight years to reach the presidency. In the campaign he was called an "intriguer." As Secretary of the Treasury during the crisis of 1819, he had a very difficult task to perform. He had undertaken even more than his duty required, for he had aimed to "do justice" between the banks, and to keep them from encroaching upon each other. To this end he distributed his deposits, and in some cases favored certain banks. When the crash came his funds were locked up in some of these banks. He was then open to the charge, which Ninian Edwards made over the signature "A. B.," that he had used the treasury funds to win political capital, and had corruptly put the funds in unsound banks. Crawford was exonerated by a committee of the House, but he barely escaped ruin.[3] He introduced the limited period of service, by the Act of May 15, 1820, into the Treasury Department. This act limits the period of office of all persons engaged in collecting the revenue to four years, at the expiration of which time they go out of office or come up for reappointment.[4] It is one of the most important steps in the history of the abuse of the civil service. Crawford was believed by his colleagues to have sacrificed the administration to make capital for himself. Adams says that Crawford

[1] 24 Niles, 132.
[2] Cobb, 143.
[3] Folio State Papers; 5 *Finance*, 1.
[4] 7 Adams, 424.

and Monroe quarrelled to the verge of violence during the last months of the administration.[1] In order to win strength for Crawford, Van Buren was nominated for Vice-President by the Legislature of Georgia. This proposition was overwhelmed by ridicule.[2] Crawford was physically disabled from September, 1823, to September, 1824. He could not sign his name, and was apparently a wreck. He used a fac-simile stamp on public papers, or it was used by a member of his family under his direction.

Clay had already assumed the championship of the protective system. He had been one of the strongest opponents of the re-charter of the first bank. He had also made "sympathy with nations struggling for liberty" one of his points, and had been zealous for the recognition of the South American republics. He was a great party leader. He had just the power to win men to him and to inspire personal loyalty which Adams had not. On the other hand he lacked industry. He was eloquent, but he never mastered any subject which required study. His strength lay in facility and practical tact. He was forty-seven years old. He was stigmatized as a "gambler" by his opponents in the campaign. From 1820 to 1823 he was not in public life, but was retrieving his private fortunes. His enemies said that his affairs had been embarrassed by gambling. He was Speaker from 1815 to 1820, and again from 1823 to 1825. He was one of the commissioners who made the treaty of Ghent.

The Crawford men wanted a congressional caucus in 1824, because they had control of the machine. The supporters of the other candidates opposed any caucus,

[1] 7 Adams, 81. [2] Cobb, 209.

but secretly, because the caucus was now an established institution. The opponents of the caucus found a strong ally in Niles, who opened fire on the caucus in his "Register" without any reserve. His sincerity and singleness of purpose are beyond question. He did not use his paper to support any candidate. He was an old Jeffersonian republican of 1798, and he believed sincerely in all the "principles." He assailed the caucus, because in his view it usurped the right of the people to govern themselves. He denounced it steadily for more than a year, and he succeeded in casting odium upon it. The Legislatures of New York and Virginia passed resolutions in favor of a caucus, because these two States, while united, could control the presidency through the caucus. New York being rent by democratic faction fights, and Virginia being led by a close oligarchy, New York became an appendage to Virginia in their coalition. Tennessee, South Carolina, Alabama, and Maryland adopted resolutions against the caucus. The Legislature of Pennsylvania declared against a "partial caucus."[1] As the time for the caucus approached, negotiations for bargains between the candidates became active, but it would be tedious to gather the recorded reports and rumors of such transactions.

The caucus met in the chamber of the House of Representatives February 14, 1824.[2] Of 216 democrats in Congress, 66 were present. Two, who were ill at home, sent proxies. If proxies were allowable, the members of Congress, when assembled in presidential caucus, must have been regarded as independent powers, possessed of a prerogative, like peers or sovereigns. The vote was: Crawford, 64; Adams, 2; Jackson, 1; Macon,

[1] 6 Adams, 232. [2] 25 Niles, 388.

1 : *i. e.*, all but the Crawford men stayed away. Gallatin was nominated for Vice-President by 57 votes. An address was published, defending the caucus, and arguing its indispensability to the party.[1] Some question was raised about Gallatin's eligibility on account of his foreign birth, but he possessed the alternative qualification allowed by the Constitution. He had been a commissioner at Ghent and a friend of Crawford. His nomination did not strengthen the ticket. There was still a great deal of rancor against him for forsaking the Treasury Department when the war broke out. He soon withdrew his name because the caucus was so unpopular.

Martin Van Buren was chief engineer of this last congressional caucus. He was senator from New York. He and his friends, under the new Constitution of 1821, had established a very efficient party organization, which they had well in hand. They were known as the Regency, and they had renewed the alliance with Virginia to control the machine and elect Crawford. A project which threatened to mar their scheme was the proposition, in 1823, to take the election of presidential electors from the Legislature of New York and give it to the people. The Regency-Tammany party opposed this, as it would render useless all their machinery. The advocates of the change (being the opponents of Crawford, Tammany, and the Regency), formed the "people's party." Clinton was for Jackson, so he was allied with the people's party against Crawford. Although Clinton was the soul of the canal enterprise, he was removed from his office of canal commissioner to try to break up this combination. It would never do

[1] 25 Niles, 391.

for the Regency to oppose directly and openly a proposition to give the election to the people. When the law was proposed, the Regency managed to twist it into such preposterous shape that a general ticket was to be voted for, and if there should not be a majority (which, with four in the field, was a very probable result) the State would lose its vote. The bill passed the House, but was defeated in the Senate.[1] The popular indignation was so great that the next Legislature was carried by the people's party, and a joint ticket of electors was elected, on which were 25 Adams men, 7 Clay men, and 4 Crawford men.[2] Some of them must have changed their votes before the election.

A federalist convention at Harrisburg, Pennsylvania, February 22, 1824, nominated Jackson.[3] At a primary meeting at Philadelphia, Dallas withdrew Calhoun's name from the first place and nominated him for the second. Calhoun was strong in Pennsylvania, but Jackson had superseded him. This move was a coalition of Jackson and Calhoun. The democratic convention at Harrisburg, March 4th, was stampeded for Jackson. Only one vote was given against him.[4] Another democratic convention, called "regular," was convened August 9th. It repudiated Jackson and adhered to Crawford.[5] Jackson and his followers were denounced as "disorganizers." The Albany "Argus" said of Jackson, "It is idle in this State, however it may be in others, to strive even for a moderate support of Mr. Jackson. He is wholly out of the question as far as the votes of New

[1] 2 Hammond, 132.

[2] 27 Niles, 186. Hammond's statement is obscure. (See 2 Hammond, 177.)

[3] 1 Sargent, 41.

[4] 26 Niles, 20.

[5] 1 Sargent, 42.

York are in it. Independently of the disclosures of his political opinions, he could not be the republican candidate. He is respected as a gallant soldier, but he stands, in the minds of the people of this State, at an immeasurable distance from the executive chair."[1] After the "Argus" changed its mind about Jackson, any one who held the very judicious opinion embodied in this paragraph was regarded by it as a "federalist," which was as much as to say, an enemy of the American people. Niles says that John Randolph opposed Jackson in a public speech in 1822 because he was the candidate of the Bank of the United States, and his election would unite "the purse and the sword."[2] Jefferson said, "I feel very much alarmed at the prospect of seeing General Jackson President. He is one of the most unfit men I know of for the place. He has had very little respect for laws or constitutions, and is, in fact, an able military chief. His passions are terrible. . . . He has been much tried since I knew him, but he is a dangerous man."[3] On the contrary, Jackson's courtly bearing won for him all the ladies. Webster wrote, "General Jackson's manners are more presidential than those of any of the candidates. He is grave, mild, and reserved. My wife is for him decidedly."[4] Jackson's friends induced him to have a kind of reconciliation with Scott, Clay, and Benton. The last was a supporter of Clay, but when Clay was out of the contest he turned to Jackson.[5] Adams says that Benton joined Jackson after Jackson's friends obtained for him the nomination

[1] Quoted 49 Niles, 188.
[2] 22 Niles, 73.
[3] 1 Webster's *Correspondence*, 371.
[4] 1 Webster's *Correspondence*, 346.
[5] He went first to Crawford, then to Jackson. (Cobb, 215.)

as minister to Mexico. When Adams came in he would not ratify the appointment.[1] During the winter some sort of a peace was made between Jackson and Crawford.[2]

The result of the electoral vote was: Jackson, 99; Adams, 84; Crawford, 41; Clay, 37. For Vice-President the vote was: Calhoun, 182; Sanford, 30; Macon, 24; Jackson, 13; Van Buren, 9; Clay, 2; blank, 1. New York voted: Jackson, 1; Adams, 26; Crawford, 5; Clay, 4. The electors were chosen by the Legislature in Delaware, Georgia, Louisiana, New York, South Carolina, and Vermont. In the other States the popular vote stood (in round numbers): Jackson, 155,800; Adams, 105,300; Crawford, 44,200; Clay, 46,500. The second choice of Clay's States (Ohio, Kentucky, and Missouri) was Jackson. In Pennsylvania Jackson had 36,000 votes, and all the others together had less than 12,000. Only about one third of the vote of the State was polled, because it was known that Jackson would carry it overwhelmingly.[3]

The intriguing for the election now entered on a new stage. Clay was out of the contest in the House, but he had great influence there, and it has often been asserted that the House would have elected him if his name had come before it as one of the three highest. He was courted by all parties. It would be tedious to collect the traces of various efforts to form combinations. The truth seems to be this: Washington was filled during the winter with persons, members of Congress and others, who were under great excitement about the election. All sorts of busybodies were running about,

[1] 6 Adams, 522.
[2] 6 Adams, 478, 485.
[3] 27 Niles, 186.

talking and planning, and proposing what seemed to each to be good. Persons who were in Washington, and were cognizant of some one line of intrigue, or of the activity of some one person, have left records of what they saw or heard, and have vehemently maintained each that his evidence gives the only correct clew to the result. Every candidate's name is connected with some intrigue, or some proposition for a coalition. In no case is the proposition or intrigue brought home to the principal party as a conscious or responsible participator, and yet it appears that the negotiations were often of such a character that they could have been taken up and adopted if they had proved satisfactory.

The election in the House took place February 9, 1825. On the first ballot, Adams obtained the votes of thirteen States, Jackson of seven, and Crawford of four. For the first few days Jackson seemed to bear his defeat good-naturedly. He met Adams on the evening of the election at the President's reception, and bore himself much the better of the two.[1]

It was soon rumored that Clay was to be Secretary of State. After a few days Clay accepted that post. The charge of a corrupt bargain between Clay and Adams was then started. It was an inference from Clay's appointment, and nothing more. Any man can judge today as well as any one could in 1824 whether that fact leads straight and necessarily to that inference. Not a particle of other evidence ever was alleged. We have never had any definition of the proper limits of combinations, bargains, and pledges in politics, but an agreement to make Clay Secretary of State, if made, could not be called a *corrupt* bargain. He was such a man

[1] Cobb, 226.

that he was a fit and proper person for the place. No one would deny that. Therefore no public interest would be sacrificed or abused by his appointment. A corrupt bargain must be one in which there is collusion for private gain at the expense of the public welfare. Bargains which avoid this definition must yet be tolerated in all political systems, although they impair the purity of any system.

The men around Jackson — Eaton, Lewis, Livingston, Lee, Swartwout — knew the value of the charge of corrupt bargain for electioneering purposes, and the political value of the appeal to Jackson's supporters on the ground that he had been cheated out of his election. Did not they first put the idea into Jackson's head that he had been cheated by a corrupt bargain? Is not that the explanation of his change of tone from the lofty urbanity of the President's assembly to the rancorous animosity of a few days afterwards? Such a conjecture fits all the circumstances and all the characters. The men around Jackson might see the value of the charge, and use it, without ever troubling themselves to define just how far they believed in it; but Jackson would not do that. Such a suggestion would come to him like a revelation, and his mind would close on it with a solidity of conviction which nothing ever could shake.

Benton always scouted the notion of the bargain.[1] He says that he knew before Adams did, that Clay intended to vote for Adams. Benton would not follow Clay. Clay's reason for voting for Adams was that Crawford was incapacitated by his broken health,[2] and

[1] 1 Benton, 48.

[2] Crawford was taken to the Capitol for a few hours, a day or

that a military hero was not a fit person to be President. January 8th Clay wrote to F. P. Blair[1] that the friends of all the candidates were courting him, but that he should vote for Adams. January 24th Clay and the majority of the Ohio and Kentucky delegations declared that they would vote for Adams. In a letter to F. Brooke, January 28, 1825, Clay stated that he would vote for Adams for the reasons given.[2] The Clay men generally argued that if Jackson was elected he would keep Adams in the State Department. It would then be difficult, in 1828, to elect Clay, another Western man; but Adams would have more strength. If Adams should be elected in 1824, the election of Clay, as a Western man, in 1828, would be easier, especially if Adams would give him the Secretaryship.[3] On the 25th of January, the day after the Western delegations came out for Adams, an anonymous letter appeared in the "Columbian Observer," of Philadelphia, predicting a bargain between Adams and Clay. Kremer, member of the House from Pennsylvania, avowed his responsibility for the letter, although it has generally been believed that he could not have written it. Clay demanded an investigation in the House, and a committee was raised, but Kremer declined to answer them. The letter was another case of the general device of laying down anchors for strains which would probably need to be exerted later. It would not do for Kremer to admit that

two before the election, but he was apparently a wreck. (Cobb, 218.)

[1] Blair and Kendall, in 1824, were Clay men. They were both active, in 1825, in urging Clay men to vote for Adams. (40 Niles, 73; *Telegraph Extra*, 300 fg.)

[2] 27 Niles, 386.

[3] *Telegraph Extra*, 321.

the assertion in the letter was only a surmise of his. It certainly was a clever trick. The charge would either prevent Clay from going into Adams's cabinet, lest he should give proofs of the truth of the imputation, or, if he did go into the cabinet, this letter would serve as a kind of evidence of a bargain. Immediately after the inauguration Kremer made this latter use of it in an address to his constituents.[1] On the 20th of February Jackson wrote a letter to Lewis, in which he affirmed and condemned the bargain. Lewis published this letter in Tennessee. February 22d Jackson wrote a letter to Swartwout, in which he spoke very bitterly of Clay, and resented Clay's criticism of him as a "military chieftain." He sneered at Clay as *not* a military chieftain. But he did not allege any bargain. Swartwout published this letter in New York.[2] Both letters were plainly prepared by Jackson's followers for publication. Clay replied at the end of March in a long statement.[3]

Jackson remained in Washington until the middle of March. He was present at the inauguration, and preserved all the forms in his public demeanor towards Adams.[4] His rage was all directed against Clay. In the Senate there were fifteen votes against Clay's confirmation, but no charges were made there.[5] On his way home Jackson scattered the charge as he went. It is to his own lips that it is always traceable when it can be brought home to anybody. Up to this time it is questionable whether Jackson was more annoyed or pleased at being run for President. Now that the element of

[1] 28 Niles, 21. [2] 28 Niles, 20.
[3] 28 Niles, 71. [4] 28 Niles, 19.
[5] Branch made some allusions and vague comments. (33 Niles. 22.)

personal contest was imported into the enterprise his whole being became absorbed in the determination to achieve a victory. There was now a foe to be crushed, a revenge to be obtained for an injury endured. He did not measure his words, and the charge gained amplitude and definiteness as he repeated it. In March, 1827, Carter Beverly, of North Carolina, wrote to a friend an account of a visit to Jackson, and a report of Jackson's circumstantial assertion, at his own table, that Clay's friends offered to support Jackson if Jackson would promise not to continue Adams as Secretary of State. Beverly's letter was published at Fayetteville, North Carolina.[1] In June Jackson wrote to Beverly an explicit repetition over his own signature.[2] The charge had now a name and a responsible person behind it, — Jackson himself. Clay at once called on him for his authorities and proofs. Jackson named Buchanan as his authority.[3] Buchanan had been one of the active ones[4] that winter, but he had blundered. He now made a statement which was not straightforward either way, but it did not support Jackson's statement. He distinctly said that he had never been commissioned by the Clay men for anything he said to Jackson about appointing Adams.[5] Clay then called on Jackson to retract, since his only authority had failed. Jackson made no answer. He never forgave Buchanan. In 1842 Carter Beverly wrote to Clay that the charge had never been substantiated, and that he regretted having helped to spread it.[6] At Maysville, in 1843, Adams made a solemn denial of

[1] 32 Niles, 162.
[2] 32 Niles, 315.
[3] 32 Niles, 415.
[4] Markley's Letter, 33 Niles, 167.
[5] 32 Niles, 416.
[6] 61 Niles, 403.

the charge.[1] May 3, 1844, Jackson reiterated the charge in a letter to the "Nashville Union." He said: "Of the charges brought against Mr. Adams and Mr. Clay at that time I formed my opinions, as the country at large did, from facts and circumstances which were indisputable and conclusive, and I may add that this opinion has undergone no change."[2] Of course this means that he inferred the charge from Clay's appointment, never had any other ground for it, and therefore had as much ground in 1844 as in 1825. Clay never escaped the odium of this charge while he lived. At Lexington, Ky., in 1842, he said that he thought he would have been wiser if he had not taken office under Adams.[3]

On the publication of Adams's "Diary," probably all students of American political history turned to see what relations with Clay were noted in the winter of 1824–25. Clay and Adams had never been intimate. Their tastes were by no means congenial. There was an "adjourned question of veracity" outstanding between them, because Clay had given vague support to the charge against Adams about the fisheries and the Mississippi, and Adams had challenged him to produce the proof which would impeach Adams's own story of the negotiations at Ghent. Clay had never answered. December 17, 1824, Letcher, as one of Clay's nearest friends, called on Adams. "The drift of all Letcher's discourse was . . . that Clay would willingly support me, if he could thereby serve himself, and the substance of his *meaning* was that if Clay's friends could *know* that he would have a prominent share in the administra-

[1] 11 Adams, 431.
[2] 66 Niles, 247.
[3] 62 Niles, 291.

tion, that might induce them to vote for me, even in the face of instructions. But Letcher did not profess to have any authority from Clay for what he said, and he made no definite propositions." [1] January 1, 1825, Clay and Adams met by Letcher's intervention. Adams recorded in 1828 [2] that Letcher told him, January 2, 1825, that Kentucky would vote for him. January 9th Clay told Adams that he should vote for him, and said that Crawford's friends and Adams's friends had approached him with personal considerations. January 21st Scott, of Missouri, who held the vote of that State, told Adams that he wanted Clay to be in the administration. Adams replied that he could give no assurances, but that, in looking for a Western man, he could not overlook Clay. On the same day, in answer to fears that he would proscribe the federalists, he answered that he would try to break up the old parties. February 3d Webster called on Adams about the proscription of the federalists.[3] Adams said that he could give no assurances about his cabinet, but would try to harmonize parties.[4]

The Jackson men found another grievance in the election of Adams. They revived a doctrine which had been advocated in 1801, to the effect that the House of Representatives ought simply to carry out "the will of the people," as indicated by the plurality vote. Benton is the chief advocate of this doctrine.[5] He faces all

[1] 6 Adams, 447. [2] 7 Adams, 462.

[3] The federalists all hated Adams for "ratting." In 1828 Timothy Pickering was a Jackson man; not that he loved democracy more, but that he hated Jackson less. (34 Niles, 246.)

[4] 1 Curtis's *Webster*, 237.

[5] 31 Niles, 98, gives a homely but very pungent criticism of Benton's doctrine. It consists in showing what the "will of the people" is, when the state divisions, Senate equality, and negro representation are taken into account.

the consequences of it without flinching. He says plainly that there was a struggle "between the theory of the Constitution and the democratic principle." The Constitution gives to the House of Representatives the right and power to elect the President in a certain contingency. There is no provision at all in the Constitution for the election of President by a great national democratic majority. The elected President is the person who gets a majority of the votes constitutionally described and cast, and the power and right of the House of Representatives in the contingency which the Constitution provides for is just as complete as that of the electoral college in all other cases. But the electoral college by no means necessarily produces the selection which accords with the majority of the popular vote. The issue raised by Benton and his friends was therefore nothing less than constitutional government *versus* democracy. The Constitution does not put upon the House the function of raising a plurality vote to a majority, for the obvious reason that it would be simpler to let a plurality elect. The Constitution provides only specified ways for ascertaining "the will of the people," and that will does not rule unless it is constitutionally expressed. That is why we are, fortunately, under a constitutional system, and not under an unlimited and ever-changing democracy. Benton and those who agreed with him were, as he avows, making an assault on the Constitution, when they put forward their doctrine of the function of the House. On that doctrine the Constitution is every one's tool while it answers his purposes, and the sport of every faction which finds it an obstacle, if they can only manage to carry an election. Their might and their right become one and the same thing, —

guarantees of each other. Such a doctrine is one of the most pernicious political heresies. A constitution is to a nation what self-control under established rules of conduct is to a man. The only time when it is of value is just the time when the temptation to violate it is strong, and that is the time when it contravenes temporary and party interests.

In its practical aspects, also, the election of 1824 showed how pernicious and false Benton's doctrine is. "The will of the people," to which he referred as paramount, was an inference only. The moment we depart from constitutional methods of ascertaining the will of the people, we shall always be driven to inferences which will, in the last analysis, be found to rest upon nothing but party prejudices and party hopes. In the vote of 1824 the facts were as follows: Clay's states indicated, as their second choice, Jackson. Jackson's friends inferred that, if Clay had not been running, Jackson would have carried those States and would have been elected. Going farther, however, we find that in New Jersey and Maryland the Crawford men supported Jackson to weaken Adams. In North Carolina Adams men supported Jackson to weaken Crawford. In Louisiana, Adams men and Jackson men combined to weaken Clay.[1] Hence Jackson got the whole or a part of the vote of these four States by bargain and combination. How many more undercurrents of combination and secondary intention there may have been is left to conjecture. What then becomes of the notion of "the will of the people," as some pure and sacred emanation, only to be heard and obeyed? No election produces any such pure and sacred product, but

[1] 1 *Annual Register*, 40.

only a practical, most limited, imperfect, and approximate expression of public opinion, by which we manage to carry on public affairs. The "*demos krateo* principle," to use Benton's jargon, belongs in the same category with Louis Fourteenth's saying: *L'état c'est moi.* One is as far removed from constitutional liberty as the other.

Crawford went home to Georgia, disappointed, broken in health, his political career entirely ended. He recovered his health to some extent. He became a circuit judge, and gave to Calhoun, five years later, very positive evidence that he was still alive. He died in 1834.

CHAPTER V.

ADAMS'S ADMINISTRATION.

THE presidency underwent a great change at the election of 1824. The congressional caucus had, up to that time, proceeded on the theory that the President was to be a great national statesman who stood at the head of his party, or among the leaders of it. There were enthusiastic rejoicings that "King Caucus" was dethroned and dead. What killed the congressional caucus was the fact that, with four men running, the adherents of three of them were sure to combine against the caucus, on account of the advantage which it would give to the one who was expected to get its nomination. However, it was a great error to say that King Caucus was dead. Looking back on it now, we see that the caucus had only burst the bonds of the chrysalis state and entered on a new stage of life and growth.

Jackson was fully recognized as the coming man. There was no fighting against his popularity. The shrewdest politician was he who should seize upon that popularity as an available force, and prove capable of controlling it for his purposes. Van Buren proved himself to be the man for this function. He usurped the position of Jackson leader in New York, which seemed by priority to belong to Clinton. He and the other Crawford leaders had had a hard task to run a man who seemed to be physically incapacitated for the duties of the presi-

dency, but when Crawford's health broke down it was too late for them to change the whole plan of their campaign. After the election they joined the Jackson party. The "era of good feeling" had brought into politics a large number of men,[1] products of the continually advancing political activity amongst the least educated classes, who were eager for notoriety and spoils, for genteel living without work, and for public position. These men were ready to be the janissaries of any party which would pay well. They all joined the opposition because they had nothing to expect from the administration. All the factions except the Adams faction, that is to say, all the federalists, and all the non-Adams personal factions of the old republican party went into opposition. These elements were very incoherent in their political creeds and their political codes, but they made common cause.[2] They organized at once an opposition of the most violent and factious kind. Long before any political questions arose, they developed a determination to oppose to the last whatever the administration should favor. They fought for four years to make capital for the next election, as the chief business of Congress. John Randolph, who by long practice had become a virtuoso in abuse, exhausted his powers in long tirades of sarcasm and sensational denunciations, chiefly against Clay. The style of smartness which he was practising reached its climax when he called the administration an alliance of Blifil and Black George, the Puritan and the Black-leg. He and Clay fought a duel, on which occasion, however, Randolph

[1] 3 *Ann. Reg.* 10.

[2] The new groupings caused intense astonishment to simple-minded observers. (See 32 Niles, 339.)

fired in the air. After Jackson's election, Randolph was given the mission to Russia, and was guilty of a number of the abuses which he had scourged most freely. He had to endure hostile criticism, as a matter of course, and he learned the misery of a public man forced to make "explanations" under malignant charges. He proved to be as thin-skinned as most men of his stamp are when their turn comes.[1]

Van Buren initiated the opposition into the methods and doctrines of New York politics. Ever since the republicans wrested the State from the federalists in 1800, they had been working out the methods by which an oligarchy of a half dozen leaders could, under the forms of democratic-republican self-government, control the State. As soon as the federalists were defeated, the republicans broke up into factions. Each faction, when it gained power, proscribed the others. Until 1821 the patronage, which was the cohesive material by which party organization was cemented, was in the hands of a "council" at Albany. After 1821 the patronage, by way of reform, was converted into elective offices. It then became necessary to devise a new system adapted to this new arrangement, and all the arts by which the results of primaries, conventions, committees, and caucuses, while following all the forms of spontaneous action, can be made to conform to the programme of the oligarchy or the Boss, were speedily developed. If now the presidency was no longer to be the crown of public service, and the prize of a very limited number of statesmen of national reputation, — if it was conceivable that an Indian fighter like Jackson could come within the range of choice, — then the presidency must be ever

[1] 2 Garland's *Randolph*, 339.

after the position reserved for popular heroes, or, in the absence of such, for "available" men, as the figure-heads with and around whom a faction of party leaders could come to power. King Caucus was not dead, then. He had lost a town and gained an empire. It remained to develop and extend over the whole country an organization of which the public service should constitute the network. There would be agents everywhere to receive and execute orders, to keep watch, and to make reports. The central authority would dispose of the whole as a general disposes of his army. The general of the "outs" recruited his forces from those who hoped for places when the opposition should come in. As there were two or three "outs" who wanted each place held by those who were "in," recruits were not lacking. It was during Adams's administration that the opposition introduced on the federal arena the method of organizing federal parties by the use of the spoils, which method had been previously perfected in the state politics of New York.

The opposition invented and set in action two or three new institutions. They organized local Jackson committees up and down the country, somewhat on the plan of the old revolutionary committees of correspondence and safety. It was the duty of these committees to carry on a propaganda for Jackson, to contradict and refute charges against him, to make known his services, to assail the administration, and to communicate facts, arguments, reports, etc., to each other. Partisan newspaper writing was also employed to an unprecedented extent. The partisan editor, who uses his paper to reiterate and inculcate statements of fact and doctrine designed to affect the mind of the voter, was not a new

figure in politics, but now there appeared all over the country small local newspapers, edited by men who assumed the attitude of party advocates, and pursued one side only of all public questions, disregarding truth, right, and justice, determined only to win. In 1826, at Calhoun's suggestion, an "organ" was started at Washington, the "Telegraph," edited by Duff Green, of Missouri. The organ gave the key to all the local party newspapers.

Adams showed, in his inaugural, some feeling of the unfortunate and unfair circumstances of his position. He said, "Less possessed of your confidence in advance than any of my predecessors, I am deeply conscious of the prospect that I shall stand more and oftener in need of your indulgence." In October the Legislature of Tennessee nominated Jackson for 1828, and he appeared before the Legislature to receive an address and to make a reply. He resigned the senatorship in a very careful and well-written letter,[1] in which he urged (referring, as everybody understood, to Clay's appointment) that an amendment to the Constitution should be adopted forbidding the appointment to an office in the gift of the President of any member of Congress during, or for two years after, his term of office in Congress.[2] In this let-

[1] 29 Niles, 156.

[2] Robert G. Harper once testified in a court of law his personal belief, founded on general knowledge and inference, that Burr could have been elected in 1801 if he would have used "certain means," and his belief that Jefferson did use those means. (23 Niles, 282.) He referred to the appointment by Jefferson to lucrative offices of Linn, of New Jersey, and Claiborne, of Tennessee (each of whom controlled the vote of a State), and also of Livingston, who could have divided the vote of New York. (36 Niles, 197.) According to a return made to a call by Con-

ter he said that the senatorship had been given to him in 1823 without effort or solicitation; also that he made it a rule neither to seek nor decline office. In his speech before the Legislature he spoke more freely of the corruption at Washington, from which he sought to escape by resigning.[1] He now had Livingston, Eaton, Lee, Van Buren, Benton, Swartwout, Duff Green, and Lewis managing his canvass, some of them at Washington and some in Tennessee. They kept close watch over him, and maintained constant communication with each other.

The first overt acts of the opposition were the objection to Clay's confirmation and the rejection of the treaty with Colombia. Clay had been a champion of the South American republics, and everything in the way of intimacy with them was capital for him. These votes occurred in March, 1825. The "Annual Register," commenting, over a year later, on these votes, said: "The divisions which had been taken on the foregoing questions [those mentioned] left little doubt that the new administration was destined to meet with a systematic and organized opposition, and, previous to the next meeting of Congress, the ostensible grounds of opposition were set forth at public dinners and meetings, so as to prepare the community for a warm political contest until the next election."[2] The public was greatly astonished at the uproar among the politicians. The nation acquiesced in the result of the election as perfectly constitutional and regular, and it cost great ef-

gress in 1826, the number of members of Congress appointed to office by the Presidents down to that time was, by Washington, 10; by Adams, 13; by Jefferson, 25; by Madison, 29; by Monroe, 35; by J. Q. Adams, in his first year, 5. (36 Niles, 267.)

[1] 1 *Ann. Reg.* 21. [2] 1 *Ann. Reg.* 38.

fort to stir up an artificial heat and indignation about it. The "bargain" formed the first stock or capital of the opposition. The claim that Jackson had been cheated out of his election was the second. Some attempt was made to get up a cry about "family influence," but this did not take. The charge of bargain and fraud was so assiduously reiterated that, in 1827, there were six senators and forty representatives who would not call on the President.[1] It was during the session of 1825–26 that the discordant elements of the opposition coalesced into a party,[2] the modern democratic party. Near the end of the session a prominent Virginia politician declared that the combinations for electing Jackson were already formed.[3]

It was proposed to adopt a constitutional amendment taking away the contingent power of the House to elect a President, but no agreement could be reached. A committee on executive patronage was raised, in reality to provide electioneering material. This committee reported six bills, the most important of which provided that the President might not appoint to office any person who had been a member of Congress during his own term in the presidential office, and that the President, if he should remove any officer, should state his reasons to the Senate on the appointment of a successor. No action was taken.

The topic, however, on which the opposition most distinctly showed their spirit was the Panama mission. Benton misrepresents that affair more grossly than any other on which he touches. The fact is that the opposi-

[1] 7 Adams, 374. The federal members of Congress would not visit Madison in 1815. (1 Curtis's *Webster*, 135.)

[2] 1 *Ann. Reg.* 22. [3] *Ibid.*

tion were forced by their political programme to oppose a measure which it was very awkward for them to oppose, and they were compelled to ridicule and misrepresent the matter in order to cover their position. Sargent [1] tells a story of an opposition senator, who, when rallied on the defeat of the opposition in the vote on confirming the commissioners, replied, "Yes, they have beaten us by a few votes after a hard battle; but if they had only taken the other side and refused the mission, we should have had them!"

When the Spaniards withdrew from South America, in 1824, the newly independent States of South America and Mexico drew together by natural instinct, and having borrowed their new political institutions from the United States, which institutions were for them exotic and ill-understood, they sought friendly intercourse with the Northern Union. There were then questions of international law pending, in which the new continent needed to make a stand against the old. The United States, on its part, wanted commercial intercourse with the states of Central and South America. It was proposed by the Central American states to hold a Congress for consultation. This scheme grew into one of a general American Congress, in which the United States was asked to join. Adams accepted the invitation and appointed two commissioners. The question on the confirmation of these commissioners, and on appropriating money for their salaries, gave rise to wordy and violent debates in Congress, in which very extraordinary doctrines were laid down about the power of the Executive in diplomatic affairs. It was declared that the mission meant a general policy of foreign interference and "en-

[1] 1 Sargent, 117.

tangling alliances." The Monroe doctrine was vehemently denounced. The commissioners were finally confirmed. One died on the way; the other arrived too late for the meeting, which took place June 22, 1826. The Congress adjourned to meet again, but, political troubles breaking out, nothing came of it. Benton says that the result proved the folly of the original plan. In order to judge of that, it is necessary to form some opinion as to what would have been the advantage politically to the South American republics of a close and friendly relation with us, and what would have been the advantage commercially to us of a close and friendly relation with them. It is not at all improbable that a grand chance for good to all concerned was lost. As to "entangling alliances," the Congress was no doubt a grand chance for a "jingo" policy. Everything depended on the instructions with which the commissioners were sent. The opposition would not print the instructions, because they plainly refuted all the inflated denunciations. It was not until 1829 that public opinion forced the printing of the instructions,[1] but then the whole matter was dead. It has passed into history and popular tradition under a very false light.

Adams had strong convictions about points of public policy. He held that it was the duty of the President to advise and recommend to Congress such measures as he thought desirable in the public interest, and then to leave to Congress the responsibility if nothing was done. He therefore set out in his messages series of acts and measures which he thought should be adopted. He thereby played directly into the hands of the opposition, for they then had a complete programme before them of

[1] They are to be found 4 *Ann. Reg.* 29.

what they had to attack. Adams held the active theory of statesmanship. He was not content to let the people alone. He thought that a statesman could foresee, plan, prepare, open the way, set in action, encourage, and otherwise care for the people. To him the doctrine of implied powers meant only that the Constitution had created a government complete and adequate for all the functions which devolved upon it in caring for all the interests which were confided to it. He regarded the new land as a joint possession of all the States, the sale of which would provide funds which ought to be used to build roads, bridges, and canals, and to carry out other works of internal improvement, which, as he thought, would open up the continent to civilization.[1] He cared more for internal improvements than for a protective tariff.[2] He wanted a national university and a naval school. He favored expenditures on fortifications and a navy and an adequate army. He wanted the federal judiciary enlarged and a bankruptcy law passed. Some of the opposition found the party exigency severe which forced them to oppose all the points in this programme. In 1824 Crawford had been the only stickler for state rights and strict construction. Men of that stamp were now called "radicals." Calhoun and his friends had been on the other side. The old-fashioned pettifogging of the strict constructionists, and the cast-iron dogmatism of the state-rights men, were developed in the heat of the factious opposition of 1825–29. All that, however, was at that time considered extreme or "radical." Van Buren, on his reëlection to the Senate in 1827, wrote a letter in which he promised to recover for the States the "rights of which they had been deprived by

[1] 9 Adams, 162. [2] 8 Adams, 444.

construction," and to save what rights remained.[1] Hammond expresses the quiet astonishment which this created in the minds of the people, even democrats like himself, who were not aware that the States had suffered any wrong, especially at the hands of the existing administration. The country was in profound peace and stupid prosperity, and the rancor of the politicians seemed inexplicable. The public debt was being refunded advantageously. Immigration was large and growing. The completion of the Erie Canal in 1825 opened up the great lakes to navigation, and the adjacent country to settlement. Public affairs were in fact dull. The following passage from the "Annual Register" shows the impression made by the agitation at Washington:[2] —

"Nearly all the propositions which were called for by the popular voice were defeated, either from want of time for their consideration, or by an influence which seemed to exert itself for the sole purpose of rendering those who administered the government unpopular. The community was generally disappointed as to the results of the session. . . . Many of the members were new to political life. . . . Others were predetermined to opposition, and from the first assembling of Congress devoted themselves to thwarting the measures which its [the administration's] friends urged upon the consideration of Congress. The Vice-President and his friends were most prominent in this class of politicians. . . . The manner, too, in which the opposition attacked the administration displayed an exasperated feeling, in which the community did not sympathize, and a general suspicion was felt that its leaders were actuated by private griefs, and

[1] 2 Hammond, 246. [2] 1 *Ann. Reg.* 149.

that the public interests were neglected in their earnest struggle for power. The pride of the country, too, had received a deep wound in the prostration of the dignity of the Senate."

Calhoun appointed committees hostile to the administration, which could not bring their own party to the support of their reports. Calhoun also ruled that it was not the duty of the Vice-President to preserve order save upon the initiative of some senator on the floor. Great disorder occurred, and John Randolph especially took advantage of this license. The Senate was led at the end of the session of 1825–26 to take from the Vice-President the duty of appointing the committees of the Senate. Letters which appeared in one of the Washington newspapers, signed "Patrick Henry," criticising Calhoun's course, were ascribed to the President. Answering letters, signed "Onslow," were ascribed to the Vice-President.[1]

Adams took no steps to create an administration party. He offered the Treasury to Crawford, who refused it. He then gave it to Rush, who had voted against him. The Secretaries of War and of the Navy had likewise supported other candidates.[2] Adams refused to try to secure the election of Jeremiah Mason, an administration man, to the Senate.[3] He had declared, before the election, that he should reward no one, and proscribe no one. He adhered to this faithfully. Clay urged him to avoid pusillanimity on the one hand, and persecution on the other.[4] The election being over, Clay said that no officer ought to be allowed "to hold a conduct in open and continual disparage-

[1] Harper's *Calhoun*, 31.
[2] Perkins, 289.
[3] 7 Adams, 14.
[4] 6 Adams, 546.

ment of the administration and its head." Adams replied that, in the particular case under discussion (collector at New Orleans), there had been no overt act; that four fifths of all the custom-house officers had been unfavorable to his (Adams's) election, and were now in his power; that he had been urged to sweep them all away; that he could not do this as to one without opening the question as to all, and that he would enter on no such policy. In 1826 Clay urged Adams to remove the custom-house officers at Charleston and Philadelphia. Adams refused, although he thought that these officers were using the subordinate offices in their control against the administration.[1] He appointed federalists when he thought that they were better qualified than other candidates. This did not conciliate the federalists, and it aroused all "the wormwood and the gall" of the old party hatred.[2] In 1827 Clay and others urged him to confine appointments to friends. He refused to adopt that rule.[3] He expressed the belief that the opposition were spending money to poison public opinion through the press, but he would not do anything for Binns, an administration editor.[4] In June, 1827, he refused to go to Philadelphia, to make a speech in German to the farmers at the opening of the canal, because he objected to this style of electioneering.[5] In October, 1827, Clay made a warm protest against Adams's action in retaining McLean, the Postmaster-General. Clay alleged that McLean was using the post-office patronage actively against the administration. McLean hated Clay and loved Calhoun,[6] but he claimed to be a loyal friend of

[1] 7 Adams, 163.
[2] 7 Adams, 207.
[3] 7 Adams, 257.
[4] 7 Adams, 262.
[5] 7 Adams, 297.
[6] 7 Adams, 364.

the administration. Adams would not believe him a traitor.[1] A campaign story was started that Adams's accounts with the Treasury were not in order. Clay desired that Adams would correspond with an election committee in Kentucky, and refute the charge. Adams refused, because he disapproved of the Western style of electioneering and stump-speaking.[2] Binns, an Irish refugee, editor of the "Democratic Press" of Philadelphia, ought by all affinities to have been a supporter of Jackson, but he took the wrong turning after Crawford's disappearance, and became a supporter of Adams. He plaintively describes the results. He tried to talk to Adams about appointments. "I was promptly told that Mr. President Adams did not intend to make any removals. I bowed respectfully, assuring the President that I had no doubt the consequence would be that he would himself be removed so soon as the term for which he had been elected had expired. This intimation gave the President no concern, and assuredly did in no wise affect his previous determination."[3] Binns, however, was wise in his generation.

Adams's administration had a majority in the Senate until the 20th Congress met in 1827, when both Houses had opposition majorities. Adams says this was the first time in the history of the country that such had been the case.[4] The session of 1827–28 was almost entirely occupied in manufacturing political capital. A committee on retrenchment and reform presented a majority and a minority report. The majority expressed alarm at the increasing expenditures of the federal government and the extravagance of the ad-

[1] 7 Adams, 343.
[2] 7 Adams, 347.
[3] Binns, 250.
[4] 7 Adams, 367.

ministration. The minority said that no expenditures had been made which Congress had not ordered, and that the expenditures had not increased unduly, when the size and population of the country were considered. It was charged that large sums had been spent in decorating the President's house, especially the "East Room." Congress had appropriated $25,000 for the White House, of which $6,000 had been spent. The rest was returned to the Treasury. As soon as Jackson was elected, the "Courier and Enquirer" said that the "East Room" was very shabby, and would at once be made decent.[1] There was no attempt to be fair or truthful in these charges. They were made solely with a view to effect. Clamor and reiteration availed to spread an opinion that the administration had been extravagant.

The campaign was conducted, on both sides, on very ruthless methods. Niles said it was worse than the campaign of 1798.[2] Campaign extras of the "Telegraph" were issued weekly, containing partisan material, refutations of charges against Jackson, and slanders on Adams and Clay. The Adams party also published a monthly of a similar character. The country was deluged with pamphlets on both sides. These pamphlets were very poor stuff, and contain nothing important on any of the issues. They all appeal to low tastes and motives, prejudices and jealousies. Binns issued a number of hand-bills, each with a coffin at the head, known as "coffin hand-bills," setting forth Jackson's bloody and lawless deeds.[3] One Jackson hand-bill had

[1] Quoted 37 Niles, 229.

[2] 35 Niles, 33.

[3] Binns says he issued these hand-bills and was mobbed in 1824. It seems that his memory failed him.

a broad-axe cut of John Quincy Adams driving off with a horsewhip a crippled old soldier who dared to speak to him, to ask an alms. In short, campaign literature took on a new and special development in this campaign, and one is driven to wonder whether the American people of that day were such that all this drivel and vulgarity could affect their votes. It appears certain that they had not yet learned the art of reading newspapers, more especially campaign literature; an art in which the average American citizen has since become a great adept. It requires a very active party interest now to break down the cynicism and skepticism with which everything in a partisan newspaper is read by an educated man of forty.

Against Jackson was brought up his marriage, and all the facts of his career which could be made the subject of unfavorable comment. Against Adams were brought charges that he gave to Webster and the federalists, in 1824, a corrupt promise; that he was a monarchist and aristocrat; that he refused to pay a subscription to turnpike stock on a legal quibble; that his wife was an Englishwoman; that he wrote a scurrilous poem against Jefferson in 1802; that he surrendered a young American servant-woman to the Emperor of Russia; that he was rich; that he was in debt; that he had long enjoyed public office; that he had received immense amounts of public money, namely, the aggregate of all the salaries, outfits, and allowances he had ever received; that his accounts with the Treasury were not in order; that he had charged for constructive journeys; that he had put a billiard-table in the White House at the public expense;[1] that he patronized duel-

[1] Levi Woodbury was especially shocked at this. (Plumer's *Plumer*, 513.)

lists (Clay); that he had had a quarrel with his father, who had disinherited him; that he had sent out men in the pay of the government to electioneer for him; that he had corrupted the civil service; that he had used the federal patronage to influence elections. The federalists, in their turn, charged him with not having kept his promise to Webster.

McLean's conduct towards the end of Adams's term caused more and more complaint. He had been a Methodist minister, and some administration men did not want him dismissed lest the Methodists should be offended.[1] Bache, the postmaster at Philadelphia, was a defaulter. McLean had known it for eighteen months. Finally he removed Bache, and appointed Thomas Sargent, who had been allied with Ingham, Dallas, and other Jackson men. Adams would not remove McLean.[2]

In October, just before the election, but too short a time before it to have any effect on it, Adams became involved in a controversy with William B. Giles about the circumstances and motives of his (Adams's) going over to the administration in 1807. On account of revelations which were made in this controversy, Adams was involved in another with the descendants of the old high federalists, who called him to account for allegations that the federalists of 1803–1809 were secessionists. The controversy developed all the acrimony of the old quarrel between the Adamses and the high federalists. John Quincy Adams prepared a full statement of the facts on which he based his opinions and statements, but it was not published until 1877.[3]

[1] 7 Adams, 540. [2] 8 Adams, 8, 25, 51.

[3] *New England Federalism*, by Henry Adams. See also Plumer's *Plumer*, and Lodge's *Cabot*.

In September, 1827, the Tammany General Committee and the Albany "Argus" came out for Jackson,[1] as it had been determined, in the programme, that they should do. A law was passed for casting the vote of New York in 1828 by districts. The days of voting throughout the country ranged from October 31st to November 19th.[2] The votes were cast by the Legislature in Delaware and South Carolina; by districts in Maine, New York, Maryland, Tennessee; elsewhere, by general ticket. Jackson got 178 votes to 83 for Adams. The popular vote was 648,273 for Jackson; 508,064 for Adams.[3] Jackson got only one vote in New England, namely, in a district of Maine, where the vote was, Jackson, 4,223; Adams, 4,028.[4] New York gave Jackson 20; Adams, 16. New Jersey and Delaware voted for Adams. Maryland gave him 6, and Jackson 5. Adams got not a single vote south of the Potomac or west of the Alleghanies. In Georgia no Adams ticket was nominated.[5] Tennessee gave Jackson 44,293 votes, and Adams 2,240. Parton has a story of an attempt, in a Tennessee village, to tar and feather two men who dared to vote for Adams.[6] Pennsylvania gave Jackson 101,652 votes; Adams, 50,848. For Vice-President, Richard Rush got all the Adams votes; Calhoun got all the Jackson votes except 7 of Georgia, which were given to William Smith, of South Carolina.

General Jackson was therefore triumphantly elected President of the United States, in the name of reform,

[1] 2 Hammond, 258.

[2] *Telegraph Extra*, 565.

[3] 3 *Ann. Reg.* 31. The figures for the popular vote vary in different authorities.

[4] 35 Niles, 177.

[5] See page 179.

[6] 3 Parton, 151.

and as the standard-bearer of the people, rising in their might to overthrow an extravagant, corrupt, aristocratic, federalist administration, which had encroached on the liberties of the people, and had aimed to corrupt elections by an abuse of federal patronage. Many people believed this picture of Adams's administration to be true. Andrew Jackson no doubt believed it. Many people believe it yet. Perhaps no administration, except that of the elder Adams, is under such odium. There is not, however, in our history any administration which, upon a severe and impartial scrutiny, appears more worthy of respectful and honorable memory.[1] Its chief fault was that it was too good for the wicked world in which it found itself. In 1836 Adams said, in the House, that he had never removed one person from office for political causes, and that he thought that was one of the principal reasons why he was not reëlected.[2] The "Annual Register"[3] aptly quotes, in regard to Adams, a remark of Burke on Lord Chatham: "For a wise man he seemed to me, at that time, to be governed too much by general maxims. In consequence of having put so much the larger part of his opposers into power, his own principles could not have any effect or influence in the conduct of affairs. When he had executed his plan he had not an inch of ground to stand upon. When he had accomplished his scheme of administration he was no longer a minister."

[1] See Morse's *Adams*.

[2] 50 Niles, 194.

[3] 3 *Ann. Reg.* 34.

CHAPTER VI.

THE "RELIEF" SYSTEM OF KENTUCKY.

Before entering upon the history of Jackson's administration it is necessary to notice a piece of local history, to which frequent subsequent reference must be made, on account of influences exerted on national politics. A great abuse of paper money and banking took place in the Mississippi Valley between 1818 and 1828. It was an outcome of the application of political forces to the relations of debtor and creditor. It necessarily followed that political measures were brought into collision with constitutional provisions, and with judicial institutions as the interpreters and administrators of the same, in such points as the public credit, the security of contracts, the sanctity of vested rights, the independence of the judiciary, and its power to pass on the constitutionality of laws. Kentucky was the scene of the strongest and longest conflict between the constitutional guarantees of vested rights and the legislative measures for relieving persons from contract obligations, when the hopes under which those obligations were undertaken had been disappointed by actual experience. It was from Kentucky, also, that the influences arose which were brought to bear on national politics.

Some very early incidents in the history of Kentucky show the spirit which was at work in the later troubles. An insurance company was chartered in 1801, an ob-

scure clause in whose charter gave the power to issue currency. At that time the Jeffersonian party was under its anti-bank impulse, and, that party then being in control, the power to issue currency would not have been given intentionally.[1] In 1803, Judge Muter, of the Court of Appeals, "being very poor and rather superannuated," was induced to resign by a pension of $300, guaranteed by the Legislature. The following year the pension was repealed, as being unconstitutional. In 1809 the Bank of Kentucky was founded, with a capital of a million. The State owned part of the capital stock. In 1816 great popular hostility was manifested to the practice of quoting English decisions in the courts. This was one of Duane's [2] pet points of hostility to the judiciary. Of course it appealed to popular prejudice. All the English decisions breathed the spirit of permanent institutions and traditions established to control moving interests and wishes. A law was passed in Kentucky forbidding the citation of any English cases since July 4, 1776. The negative was left out of this law. The cases were cited in the reports, but were not read in court. The law fell into disuse.

During the period of inflation east of the Alleghanies (1812–18),[3] the States west of the Alleghanies had plenty of silver, and were free from financial disturbance. At the session of 1817–18, the Legislature of Kentucky plunged that State into the inflation system by chartering forty banks, which were to issue notes redeemable in Bank of Kentucky notes. The popular party was now under the dominion of a mania for banks, as the institutions for making the poor rich. Clamorous de-

[1] Collins, 56.

[2] See page 369.

[3] See page 229.

mands were, at the same time, made for a share in the blessings which the Bank of the United States was to shower over the country, and two branches were established, one at Lexington and one at Louisville. Prices immediately began to rise, specie was exported, contracts were entered into, in the expectation of a constant advance of the "wave of prosperity." All hastened to get into debt, because to do so was not only the way to get rich, but the only way to save one's self from ruin. In June, 1819, it is reported: "The whole State is in considerable commotion. The gross amount of debts due the banks is estimated at ten millions of dollars. . . . Several county meetings have been held. Their purpose is: (1) a suspension of specie payments; (2) more paper money; (3) an extra session of the Legislature to pass some laws on this emergency. What did we tell the people of Kentucky when they littered their banks?"[1]

In 1819 the banks of Tennessee and Kentucky and nearly all in Ohio suspended specie payments. They generally ascribed their ruin to the Bank of the United States. They overissued their notes, which accumulated in the branch of the bank, that being the strongest holder. These notes were presented for redemption. The local banks construed that as "oppression," and eagerly warded off all responsibility from themselves by representing themselves as the victims of an alien monster, which crushed them while they were trying to confer blessings on the people about them. The big bank was bad enough, but the plea of the local banks was ingeniously false. It availed, however, to turn the popular indignation altogether against the Bank of the United States.

[1] 16 Niles, 261.

Illinois chartered the Bank of Illinois, a private institution, in 1816; also the City and Bank of Cairo, to build a city, and to issue notes as a means of getting other people's capital to do it with. In 1819 the State Bank of Illinois was founded,[1] but its charter was soon repealed, because it was too preposterous to stand. Another State Bank was founded in 1821, which was a great paper-money machine, and produced ten years of confusion and loss.[2] As early as 1816, Illinois had an endorsement and replevin law.

July 26, 1820, the Bank of Tennessee was established, to last until 1843, with a branch at Knoxville. Its amount of issue was a million. Its notes were to be loaned on mortgage security under an apportionment between the counties, according to the taxable property in 1819.[3] There was already a Bank of Tennessee, which would have nothing to do with the new "bank." The Legislature of Tennessee also passed a law that both real and personal property sold under execution should be redeemable within two years by paying the purchaser ten per cent advance. Jackson is mentioned as having been a prominent and energetic opponent of the relief system.[4] In June, 1821, the Court of Appeals of Tennessee pronounced the replevin law unconstitutional, and the relief system in that State came to an end.[5]

Ohio, Indiana, and Missouri were, at the same period, more or less entangled in the same system.

In 1817 the circulation of the Bank of Kentucky was $417,000. The forty banks and the two branches of the national bank went into operation in that year

[1] 16 Niles, 208.
[2] Edwards, 165, 174, 204.
[3] 18 Niles, 452; Gouge, 39.
[4] *Ibid.*
[5] 21 Niles, 402.

The Bank of Kentucky could not therefore sustain its former circulation. It imported $240,000 in silver, and reduced its circulation, November, 1818, to $195,000. Nevertheless, it fell heavily in debt during 1818 and 1819 to the branches of the Bank of the United States.[1] In November, 1819, the latter bank ordered the debt to be collected. The Bank of Kentucky suspended and compromised. Its notes were at fifteen per cent discount. A great reduction of the paper was forced, because the Bank of the United States came in to demand payment. Where any one strong creditor did that the credit system fell. May 4, 1820, the stockholders of the Bank of Kentucky voted to suspend specie payments. This suspension became permanent. Intense rage was excited against the Bank of the United States, but if the facts are as alleged the Bank of Kentucky must have been extending its loans, and if the Bank of the United States had not called for payment it would have been forced to stand back, and see the Bank of Kentucky use the capital of the Bank of the United States as a means of profit. Kentucky had laid a tax of $60,000 on each of the branches of the national bank, in January, 1819. At the same time the Supreme Court of the United States declared the bank constitutional.[2] In December the Kentucky Court of Appeals unanimously sustained the state tax, on the ground that the bank was unconstitutional. Two judges thought they must yield to the Supreme Court of the United States. The third, Rowan, thought they ought to stand out and force further trial in the interest of state rights.[3]

December 15, 1819, the Legislature of Kentucky

[1] Kendall's *Autobiography*, 203.

[2] See page 128.

[3] Kendall's *Autobiography*, 205.

passed, over a veto, a law[1] to suspend for sixty days sales under executions, if the defendant gave bonds that the goods levied on should be forthcoming at the end of that time. The Bank of the Commonwealth of Kentucky was established November 29, 1820, as a further "relief" measure for the benefit of the debtors, victims of the forty banks of 1818. As a further measure of relief a replevin law was passed, December 25, 1820, according to which the debtor was to have two years in which to redeem, under an execution, unless the creditor should endorse on the note that he would take notes of the Bank of the Commonwealth, if the debtor could pay them. Another act was passed, December 21, 1821, which forbade the sale of land on execution, unless it should bring three fourths of its value as appraised by a jury of neighbors. The Bank of the Commonwealth was authorized to issue notes for three millions of dollars. It had no stockholders. The president and directors were elected annually by the Legislature. Their salaries were paid by the State. They were incorporated. The notes were issued in loans on mortgage security, and were apportioned between the counties in proportion to the taxable property in each in 1820. Loans were to be made, in 1820, only to those who needed them, "for the purpose of paying his, her, or their just debts," or to purchase the products of the country for exportation. The bank had twelve branches. Its funds were to be: all money *thereafter* paid in for land warrants, or land west of the Tennessee river; the produce of the stock owned by the State in the Bank of Kentucky after that bank should be wound up; the unexpended balances in the treasury at the end

[1] Kendall's *Autobiography*, 227.

of the year. The profits of the bank were to go to the State. Stripped of all pretence, therefore, the bank was the state treasury, put into the hands of a commission elected by the Legislature, and incorporated. Its funds were the current receipts of the treasury from land, and its current balance, if it had one; also the capital already invested in the old bank, whenever that should be released, which never was done. The notes of the bank were legal tender to and from the State. The Legislature appropriated $7,000 to buy books, paper, and plates for printing the notes. This is all the real capital the bank ever had. It was, therefore, just one of the grand swindling concerns common at that period, so many of which are described in the pages of Niles and Gouge.[1]

In 1822 Judge Clark, of the Circuit Court of Kentucky, declared the replevin law of that State unconstitutional.[2] He was cited before the House of Representatives of the State, and an effort was made to have him removed by the Governor on the resolution of the Legislature. The vote was 59 to 35; not two thirds, as required by the Constitution for this method of removal. In this year the Legislature used its power in the election of directors of the old Bank of Kentucky to put in "relief" men who would make that bank accept Commonwealth notes. The effect was that the stock of the old bank at once fell to fifty, and it suspended.[3] In October, 1822, a specie dollar was worth $2.05 in Com-

[1] See 8 Peters, 118; 11 Peters, 257.

[2] 23 Niles, Supp. 153; (supplement to the 22d vol.). The judge's decision, the legislative proceedings, and the judge's defence are there given.

[3] Collins, 89.

monwealth notes.[1] A Kentucky correspondent writes, February, 1823: The Bank of the Commonwealth "has nearly destroyed all commerce or trade, extinguished personal credit, and broken down confidence between man and man, as well as damped and depressed the industry of the State; but the people are beginning to get tired of its blessings, and its paper-mill will soon cease working, leaving a debt, however, due to it from the poorest of the people to the amount of two and a half or three millions of dollars." [2]

In 1823 the notes of the Bank of the Commonwealth began to be withdrawn and burned. Governor Adair, in his message of that year, approved of the relief system, and denounced the courts for deciding the replevin laws unconstitutional. This proceeding of the courts seems to have been then regarded very generally by the people of Kentucky as a usurpation by the judges, and an assault on the liberties of the people. After Adair's term expired, he petitioned for redress, on account of the payment of his salary in depreciated paper.

In 1823 the Court of Appeals of Kentucky declared the relief laws unconstitutional. The Legislature, in January, 1824, affirmed the constitutionality of said laws, and an issue was made up on the right and power of courts to annul, on the ground of unconstitutionality, laws passed by the representatives of the people. The relief system thus brought directly to the test the power of a system of constitutional guarantees, administered by an independent judiciary, to protect rights against an interested and corrupt majority of debtors, which was

[1] 23 Niles, 96.

[2] 23 Niles, 337. Kendall justly described the relief system in 1821. (*Autobiography*, 246.)

using its power, under democratic-republican self-government, to rob the minority of creditors. The state election of 1824 was fought on the effort to elect a Legislature two thirds of which would memorialize the Governor for the removal of the judges who had decided the relief laws unconstitutional. A majority was obtained, but not two thirds. Another course was then taken. The legislative act by which the state judiciary was organized and the Court of Appeals created was repealed. Reference was made, in defence of this action, to the repeal of the federal judiciary act, at the beginning of Jefferson's administration.[1] A new Court of Appeals was constituted by a new act. William T. Barry was appointed chief justice. The old court denied the constitutionality of the repeal and of the new court, and continued its existence, so that there were two courts. In 1825 the parties in the State were "Old Court" and "New Court."[2] The new court party affirmed, sometimes with vehemence, sometimes with solemnity, that liberty and republicanism were at stake, and that the contest was to see whether the judges should be above the law. The old court party won a majority in the lower House. The Senate, which held over, was still of the new court party. The House voted to abolish the new court, but the Senate did not agree. By this time the contest had developed a whole school of ambitious, rising politicians, who appealed with demagogical address to the passions and distress of the embarrassed debtors. In November, 1825, Niles quotes a Kentucky paper that more persons had left that State than had come to it for many years. It is plain that two classes of persons were driven away by the relief system:

[1] Collins, 90.

[2] 28 Niles, 277.

(1) those who wanted, by steady industry and accumulation without borrowing, to acquire capital and to be secure in the possession of it; and (2) those who could not, under the prevailing depression, work off the mortgages which they had eagerly given to the Bank of the Commonwealth for its notes, in the hope of thus escaping from old embarrassments. After five years their condition was hopeless, and if they had any energy they started westward to begin again.

In the mean time there had been a number of decisions by the Supreme Court of the United States which irritated the people of Kentucky, and enhanced their alarm about the assaults of the judiciary on liberty. We have seen how the state banks used the Bank of the United States as a scapegoat for all their sins, and for all the bad legislation of the States. The next swing of the pendulum of popular feeling was over into hatred of the Bank of the United States. Several States, of which Kentucky was one, tried to tax the branches out of existence. In McCulloch *vs.* Maryland (1819),[1] and in Osborn *vs.* Bank of the United States (1824),[2] the Supreme Court of the United States declared that the States could not tax the bank. In Sturges *vs.* Crowninshield (1819),[3] the same court set limits to the state insolvent laws and thereby prevented the favor to debtors which the embarrassed States desired to provide. R. M. Johnson, of Kentucky, proposed an amendment to the Constitution, January 14, 1822, giving appellate jurisdiction to the Senate in any case to which a State was a party, arising under the laws, treaties, etc., of the United States.[4] In Bank of the United States *vs.* Halstead

[1] 4 Wheaton, 316.
[2] 9 Wheaton, 739.
[3] 4 Wheaton, 122.
[4] 7 Benton's *Abridgment*, 145.

(1825),[1] the Supreme Court decided that it had jurisdiction in suits to which the Bank of the United States was a party, and that a law which forbade sales of land under execution for less than three fourths of the appraised value did not apply to writs of execution issued by federal courts. The question of the constitutionality of such a law was avoided. In Wayman *vs.* Southard (1825),[2] the Supreme Court of the United States decided that the replevin and endorsement law of Kentucky did not apply to a writ of execution issued from a federal court. In the Bank of the United States *vs.* the Planters' Bank of Georgia (1824),[3] it decided that if a State became a party to a banking or commercial enterprise the State could be sued in the course of the business. This decision seemed to threaten the Bank of the Commonwealth of Kentucky. In Green *vs.* Biddle (1823),[4] the Supreme Court of the United States decided that the laws of Kentucky of 1797 and 1812, which reduced the liability of the occupying claimant of land to the successful contestant, on account of rent and profits, as compared with the same liability under the law of Virginia at the time of the separation, and which in a corresponding manner increased the claims of the occupying claimant for improvements, were null and void, being in violation of the contract between Kentucky and Virginia at the time of separation.[5] In Dartmouth College *vs.*

[1] 10 Wheaton, 51.

[2] 10 Wheaton, 1.

[3] 9 Wheaton, 904.

[4] 8 Wheaton, 1.

[5] Kentucky sent to Congress, May 3, 1824, a remonstrance against this decision. Letcher, of Kentucky, introduced a resolution to amend the law, so that more than a majority of judges should be necessary to declare a state law void. (8 Benton's *Abridgment*, 51.)

Woodward (1819),[1] the Supreme Court had decided that the charter of a private corporation was a contract which a state Legislature might not violate, and had thus put certain vested rights beyond legislative caprice.[2]

Other decisions had also been made, bearing on state rights and the powers of the federal judiciary in a more general way. In Martin *vs.* Hunter's Lessee (1816),[3] the constitutionality of the 25th section of the judiciary act (power of the Supreme Court to pass upon the constitutionality of state laws) was affirmed, and the authority of the court in a case under a federal treaty was maintained against the Court of Appeals of Virginia. In Gibbons *vs.* Ogden (1824),[4] the court overruled the Supreme Court of New York, and declared an act of the Legislature giving exclusive privileges in the waters of New York unconstitutional and void. In Cohens *vs.* Virginia (1821),[5] it was decided that, if a citizen of a State pleads against a statute of his own State an act of Congress as defence, the 25th section of the judiciary act gives the federal Supreme Court jurisdiction to test whether that defence be good. In the case of the "Marmion" (1823), the Attorney-General of the United States (Wirt) had rendered an opinion[6] (1824) that a law of South Carolina (1822), according to which any free negro sailors who should come into that State on board a ship should be imprisoned until the ship sailed again, was incompatible with the Constitution and with the international obligations of the United States. The District Court of the United States had decided (1823) to the same effect.[7]

[1] 4 Wheaton, 518. [2] 1 Webster's *Correspondence*, 283.
[3] 1 Wheaton, 304. [4] 9 Wheaton, 1. [5] 6 Wheaton, 264.
[6] 1 Opinions of the Attorneys-General, 659.
[7] 25 Niles, 12.

From our present stand-point of established doctrine on the points of constitutional law above enumerated, it is difficult to understand the shocks which many or all of these decisions gave to the Jeffersonian school of politicians. The assertion that the reserved rights of the States had been invaded [1] is to be referred to these judicial decisions, not to executive acts. The strict-construction, state-rights school felt every one of these decisions as a blow from an adversary against whom there was no striking back, and the fact undoubtedly is that the Supreme Court, under the lead of Marshall and Story, was consolidating the federal system, and securing it against fanciful dogmas and exaggerated theories which would have made the federal government as ridiculous as the German *Bund*. Readers of to-day are surprised to find that a great many people were alarmed about their liberties under the mild and timid rule of Monroe.[2] It was, however, by no means the scholastic hair-splitters and hobby-riders in constitutional law alone who were astonished and bewildered by the course of the decisions. It needs to be remembered that the system of the Constitution, even after the second war, was yet, to a great degree, unestablished and unformed. Actual experience of any legislative act or constitutional provision is needed to find out how it will work, and what interpretation its terms will take on from the growth of institutions and from their inter-action. It is impossible, upon reading a constitutional provision, to figure to one's self, save in the vaguest way, what will be the character and working of the institution which it

[1] See page 109–10.

[2] See Garland's *Randolph*, especially II., 211, on Gibbons *vs.* Ogden.

creates. It was one of the most fortunate circumstances in the history of the United States that the judicial interpretation and administration of the Constitution was, during its formative period, for a long time in the hands of men who shaped the Constitution in fidelity to its original meaning and spirit, to secure at once dignity and strength to the federal system, and constitutional liberty to the nation. It is fortunate that they were men of profound legal attainments and historic sense, and neither abstractionists of the French school, nor dialecticians under the state-rights and strict-construction dogmas. The history of the country has proved the soundness and wisdom of the constitutional principles they established, but while they were doing this they had to meet with a great deal of criticism and abuse. Kentucky had furnished a number of the cases, and at least two important interests of hers (relief system and contested land titles) had been decided adversely to the interests of the classes which had least education and property.

The message of Governor Desha of Kentucky, November 7, 1825,[1] deserves attentive reading from any one who seeks to trace the movement of decisive forces in American political history. The Governor denounces all banks, and especially the Bank of the United States, because they are all hostile to the power and rights of the States. He says that the Bank of the United States has been taken under the protection of the federal Supreme Court, and that these two foreign powers, so allied, have overthrown the sovereignty of Kentucky. He complains of the State Court of Appeals, which had declared the law taxing the Bank of the United States

[1] 29 Niles, 219.

to be constitutional, for not maintaining its ground, but receding, and deferring to the contrary decision of the Supreme Court of the United States. He congratulates the State, however, that the abolition of the old court has removed the compliant head from the state judiciary, and that the new court will maintain the sovereignty of the State against federal encroachments. He declares that the emigration from the State was due to the decision about the occupying claimant law. He denounces the federal courts for not recognizing the state relief laws in regard to writs issued by themselves, and he regards the State as robbed of self-government by this intrusion of foreign courts, which bring with them an independent code of procedure. He defends the relief system, and, although he does not distinctly say so, what he means is that the federal courts, by their intrusion, enable foreign creditors to escape the treatment which Kentucky creditors have to submit to under the laws of their country. This was the invasion of the "sovereignty" of Kentucky which was resented most.

In the same message Desha suggested that the Legislature should abolish both the Courts of Appeals, and he promised that, if this should be done, and a new court should be established, he would select the judges for it equally from the two existing ones. In 1826 the state election was again a contest between old court and new court. The old court carried both Houses.[1] The replevin laws were repealed. The acts of the new court were treated as null. The new court seized the records, and held them by military force. Civil war was avoided only by the moderation of the old court party. The Legislature repealed the law constituting the new court,

[1] Collins, 93.

but the Governor vetoed the repeal.[1] It was passed over his veto December 30, 1826. By resignations and new appointments among the judges, the court was reconstituted as a single anti-relief body in the years 1828–9.

In 1827 the currency of the States in the Mississippi Valley was fairly good. There remained only $800,000 of Commonwealth paper out, and this was merchandise, not currency.[2] The bank held notes of individuals to the amount of one and a half millions, and real estate worth $30,592. Hence there was due to it a balance from the public, after all its notes should be paid in, of $600,000. Its debtors had this to pay in specie or its equivalent, or else the bank would get their property. This sum, therefore, fairly represents the net final swindle which the relief system perpetrated on its dupes, to say nothing of its effects on creditors and on the general prosperity of the State. The bank never had over $7,000 capital even spent upon it. Its total issue of bits of paper was printed with the denomination dollars up to three millions. By this issue it had won $600,000 worth of real property, or twenty per cent in five years. Who got this gain? It seems that there must have been private and personal interests at stake to account for the rage which was excited by the decisions which touched this bank, and by the intensity of friendship for it which was manifested by a leading political clique.

In 1828 the parties were still relief and anti-relief: the former for Jackson, the latter for Adams. The ideas, however, had changed somewhat. A "relief" man, in 1828, meant a state-rights man and strict constructionist, who wanted to put bounds to the supposed

[1] 31 Niles, 310. [2] 32 Niles, 37.

encroachments of the federal power, especially the judiciary, and indeed to the constitutional functions of the judiciary in general. Metcalf, the anti-relief candidate for Governor, in 1828, defeated Barry, the relief candidate, after a very hard fight,[1] but the State gave 7,912 majority for Jackson.

Two later decisions of the Supreme Court may here be mentioned, because they carried forward the same constitutional tendency which has been described. They were connected with the political movements which have been mentioned, and with those which came later.

In the Bank of the Commonwealth of Kentucky *vs.* Wister *et al.* (1829),[2] it was held that the bank must pay specie on demand in return for a deposit which had been made with it of its own notes, although these notes were, when deposited, worth only fifty cents on the dollar. It had been provided in the act establishing the bank that it should pay specie. The bank tried to plead the non-suability of a State, but it was held that, if the State was sole owner and issued as a sovereign, it would be non-suable. Then, however, the notes would be bills of credit. If the State issued as a banker, not a sovereign, then it was suable under the decision in the case of the Planter's Bank of Georgia. In Craig *vs.* Missouri (1830),[3] a law of Missouri (1821) establishing loan offices to loan state currency issues on mortgages was declared unconstitutional as to the notes issued, which were bills of credit. In this decision bills of credit were defined.

[1] Collins, 93.

[2] 2 Peters, 318.

[3] 4 Peters, 410.

CHAPTER VII.

INTERNAL HISTORY OF JACKSON'S FIRST ADMINISTRATION.

JACKSON came to power as the standard-bearer of a new upheaval of democracy, and under a profession of new and fuller realization of the Jeffersonian democratic republican principles. The causes of the new strength of democracy were economic. It gained strength every year. Everything in the situation of the country favored it. The cotton culture advanced with great rapidity, and led to a rapid settlement of the Southwestern States. The Ohio States filled up with a very strong population. Steamboats came into common use, and they had a value for this country, with its poor roads, but grand rivers, bays, sounds, and lakes, such as they had for no other country. Other forces have already been mentioned. Railroads began to be built just after Jackson's election. The accumulation of capital in the country was not yet great. It was inadequate for the chances which were offered by the opening up of the continent. Hence the industrial organization did not take the form of a wages organization. Individuals, however, found the chances of very free and independent activity, which easily produced a simple abundance. The conditions were such as to give to each a sense of room and power. Individual energy and enterprise were greatly favored. Of course, the effect

on the character of the people was certain. They became bold, independent, energetic, and enterprising. They were versatile, and adapted themselves easily to circumstances. They were not disturbed in an emergency; and they were shrewd in dealing with difficulties of every kind. The state constitutions became more and more purely democratic, under the influence of this character of the people. Social usages threw off all the forms which had been inherited from colonial days. The tone of mind was developed which now marks the true, unspoiled American, as distinguished from all Europeans, although it has scarcely been noticed by the critics who have compared the two: namely, the tone of mind which has no understanding at all of the notion that A could demean himself by talking to B, or that B could be raised in his own estimation or that of other people by being spoken to by A, no matter who A and B might be. Ceremonies, titles, forms of courtesy and etiquette, were distasteful. Niles did not like it that members of Congress were called "honorable."[1] He criticised diplomatic usages. He devoted a paragraph to denunciation of a fashionable marriage in Boston, which took place in King's (!) Chapel, and at which the people cheered the groom. He objected to the term "cabinet,"[2] and said, very truly, that there is no cabinet in our system. He was displeased by public honors to the President (Monroe).

The people of the period found themselves happy and prosperous. Their lives were easy; free from gross cares, and free from great political anxieties. They knew little and cared less about other countries. They were generally satisfied with some crude notions and

[1] 37 Niles, 378. [2] 40 Niles, 145.

easy prejudices about institutions and social states of which they really had no knowledge. Niles knew no more of the English Constitution and English politics than a Cherokee Indian knew of the politics of the United States. The American people did not think of their economic and social condition as peculiar or exceptional. They supposed that any other nation could be just like the United States if it chose. They thought the political institutions, or, more strictly, the political "principles," of this country made all the difference. They gave their confidence to the great principles, accordingly, all the more because those principles flatter human nature. One can easily discern in Jackson's popularity an element of instinct and personal recognition by the mass of the people. They felt, "He is one of us." "He stands by us." "He is not proud, and does not care for style, but only for plenty of what is sound, strong, and good." "He thinks just as we do about this." The anecdotes about him which had the greatest currency were those which showed him trampling on some conventionality of polite society, or shocking the tastes and prejudices of people from "abroad." In truth Jackson never did these things except for effect, or when carried away by his feelings.

The Jackson party flocked to Washington to attend the inauguration. "They really seem," said Webster,[1] "to think that the country has been rescued from some great danger." There was evidently a personal and class feeling involved in their triumph. At the inauguration ball a great crowd of people assembled who had not been accustomed to such festivities. Jackson

[1] 1 Curtis's *Webster*, 340. On the crowd, see Webster's *Correspondence*, 470, 473.

refused to call on Adams, partly because, as he said, Adams got his office by a bargain, and partly because he thought that Adams could have stopped the campaign references to Mrs. Jackson. That lady had died in the previous December, and Jackson was in a very tender frame of mind in regard to her memory.[1] Adams was hurt at the slight put upon him, and thought that he had deserved other treatment from Jackson.[2] In March, 1832, R. M. Johnson came to Adams to try to bring about a reconciliation with Jackson. Nothing came of it.[3]

The inaugural address contained nothing of any importance. There was a disposition to give Jackson a fair chance. Every one was tired of party strife,[4] and there was no disposition in any quarter to make factious opposition. The opposition had taken the name of national republicans. They never acknowledged any succession to the federalists. They claimed to belong to the true republican party, but to hold national theories instead of state-rights theories. The Jackson party was heterogeneous. In opposition it had been held together by the hope of success, but it had not been welded together into any true party. No one yet knew what Jackson thought about any political question. It had been an unfortunate necessity to send him to the Senate in 1823. He had made a record on tariff and internal improvements. His Coleman letter, it is true, left him safely vague on tariff, but he could only lose, he could not possibly gain, by making a record on any-

[1] The New York *American* followed her even beyond the grave with a scurrilous epitaph.

[2] 8 Adams, 128.

[3] 8 Adams, 484.

[4] 5 *Ann. Reg.* 1.

thing. His advantage over the "statesmen" was that every one of them was on record a dozen times on every public question.

Calhoun had been reëlected Vice-President. He now understood that Jackson would take only one term, and that he (Calhoun) would have all Jackson's support in 1832. Van Buren, however, who had come into Jackson's political family at a late date, had views and ambitions which crossed this programme of Calhoun. These two men came into collision in the formation of the cabinet. Jackson introduced two innovations. He put the Secretaries back more nearly into the place in which they belong by the original theory of the law. He made them executive clerks or staff officers. The fashion has grown up of calling the Secretaries the President's "constitutional advisers." It is plain that they are not anything of the kind. He is not bound to consult them, and, if he does, it does not detract from his responsibility. Jackson, by the necessity of his character and preparation, and by the nature of the position to which he had been elected, must lean on somebody. He had a number of intimate friends and companions on whom he relied. They did not hold important public positions. They came to be called the "Kitchen Cabinet." The men were William B. Lewis, Amos Kendall, Duff Green, and Isaac Hill. If the Secretaries had been the "constitutional advisers" of the President, their first right and duty would have been to break off the intimacy with these irresponsible persons, and to prevent their influence. Jackson's second innovation was that he did not hold cabinet councils. Hence his administration lacked unity and discipline. It did not have the strength of hearty and

conscious coöperation. Each Secretary went his way, and gossip and newsmongering had a special field of activity open to them. The cabinet was not a strong one. Van Buren was Secretary of State. S. D. Ingham was Secretary of the Treasury. He had been an active Pennsylvania politician, and a member of the House for the last seven years. John H. Eaton, of Kentucky, was Secretary of War. He had married, for his first wife, one of Mrs. Jackson's nieces, and had been an intimate friend of Jackson. He was brother-in-law of Lewis. He finished, in 1817, a life of Jackson, which had been begun by Major John Reid. He had been in the Senate since 1818. John Branch, of North Carolina, was Secretary of the Navy. He had been in the Senate since 1823.[1] John M. Berrien, of Georgia, was Attorney-General. He had been in the Senate since 1824. William T. Barry, of Kentucky, was Postmaster-General, with a seat in the cabinet, a privilege to which that officer had not previously been admitted. McLean passed into high favor with the new administration, and was asked to keep the postmaster-generalship with its new rank. When the general proscription began he would not admit it as to his department. He was transferred to the bench of the Supreme Court.[2] Ingham, Branch, and Berrien were understood to be the Calhoun men in the cabinet.

The men who controlled the administration were the members of the kitchen cabinet. Lewis does not appear to have had any personal ambition. He wanted to return to Tennessee, but Jackson remonstrated that Lewis must not abandon him in the position to which he

[1] See page 93, and note 5.

[2] 8 Adams, 112.

had been elevated.[1] Lewis was made Second Auditor of the Treasury. He only asked for an office with little work to be done.[2] His character and antecedents have already been noticed. Amos Kendall was born in Massachusetts in 1789. He was a graduate of Dartmouth College. In 1814 he went to Washington. In 1815 he was a tutor in Henry Clay's family. He edited a newspaper, the "Frankfort Argus," and practised law, and was postmaster at Georgetown, Kentucky. He became a leading "relief" man, director in the Bank of the Commonwealth, and as such an enemy of the Bank of the United States. Many of Clay's old supporters, who became relief men, were carried over to Jackson between 1824 and 1828. Kendall was one of these. He had expected an office from Clay, and was offered one, but it did not satisfy him. He had an acrimonious correspondence with Clay in 1828.[3] He was in debt. Clay was one of his creditors. His war with Clay won him Jackson's favor. Kendall was an enigmatical combination of good and bad, great and small traits. His ability to handle important state questions and his skill as a politician are both beyond question. He prostituted his talents to partisan purposes, and was responsible for the bad measures adopted by Jackson as much as any other one man. In his private character he showed admirable traits of family devotion and generosity. As a public man he belonged to the worst school of American politicians. He brought the vote of Kentucky to Washington, and was appointed Fourth Auditor of the Treasury. As time went on he proved more and more the master spirit of the adminis-

[1] 3 Parton, 180.

[2] Kendall's *Autobiography*, 308.

[3] *Telegraph Extra*, 305.

tration. Harriet Martineau wrote of him, in 1836, as follows: "I was fortunate enough once to catch a glimpse of the invisible Amos Kendall, one of the most remarkable men in America. He is supposed to be the moving spring of the whole administration, the thinker, planner, and doer; but it is all in the dark. Documents are issued of an excellence which prevents their being attributed to persons who take the responsibility of them; a correspondence is kept up all over the country for which no one seems to be answerable; work is done, of goblin extent and with goblin speed, which makes men look about them with a superstitious wonder; and the invisible Amos Kendall has the credit of it all. . . . He is undoubtedly a great genius. He unites with his 'great talent for silence' a splendid audacity."[1] She goes on to say that he rarely appeared in public, and seemed to keep up the mystery. She attributes some of Lewis's work to Kendall, but the passage is a very fair representation of the opinions of Washington society about Kendall. He had very great executive and literary ability. Duff Green was a fighting partisan editor. He had the virtue of his trade. He was loyal to the standard to which he had once sworn. He was a Calhoun man, and he continued to be a retainer of the most unflinching loyalty. For the first years of Jackson's administration, Green, as editor of the "organ," stood on guard all the time to advance the cause of the administration. Isaac Hill was born in Massachusetts in 1788. His education was picked up in a printing-office. In 1810 he bought and began to edit the "Patriot," published at Concord, New Hamp-

[1] 1 Martineau's *Western Travel*, 155. Cf. also 1 *Society in America*, 45.

shire. He edited his paper with skill and ability, propagating "true republicanism" *in partibus infidelium*, for the people about him were almost all federalists. He gained adherents. His paper became influential, and he built up a democratic party in New Hampshire.[1] He had long favored strict party proscription. In 1818 he remonstrated with Governor Plumer for appointing a federalist sheriff.[2] He had the rancorous malignity of those men who have been in a contest with persons who have treated them from above downwards. He was not able to carry New Hampshire for Jackson in 1828, but the vote was 24,000 for Adams to 20,600 for Jackson. Hill was immediately taken into the innermost circle at Washington. The election of Jackson meant that an uneducated Indian fighter had been charged with the power of the presidency, and that these four men wielded it through and for him. Van Buren followed, in order to win the aid of Jackson for the succession. He did not put forth any guiding force. Eaton had some share in the kitchen cabinet. No other member of the cabinet had any influence. Barry, another relief man, but personally quite insignificant, was at the disposal of the kitchen cabinet. Henry Lee had made himself "impossible" by an infamous domestic crime. He was offended at the poor share in

[1] He had kept a boarding-house, at which members of the Legislature, etc., boarded. In 1823 he is referred to as a power. (1 Webster's *Correspondence*, 324.) During the New Hampshire election of 1830, forged documents were sent on from Washington to prove Upham, the anti-Jackson candidate for Governor, guilty of smuggling under the embargo. (39 Niles, 156.) Mason charged Hill with having sent the papers. (1 Webster's *Correspondence*, 495.)

[2] Plumer's *Plumer*, 471.

the spoils offered to him, and withdrew, relieving the administration of a load. Edward Livingston was in the Senate, but no direct influence by him on the administration, during the first two years, is discernible. The same may be said of Benton.

Some vague expressions in the inaugural about "reform" and the civil service frightened the office-holders, who had already been alarmed by rumors of coming proscription. There was an army of office-seekers and editors in Washington, who had a very clear and positive theory that the victory which they had won, under Jackson's name, meant the acquisition and distribution amongst them of all the honors and emoluments of the federal government. They descended on the federal administration as if upon a conquered domain. The office-holders of that day had generally staked their existence on the mode of getting a living which the civil service offered. It did not pay well, but it was supposed to be easy, tranquil, and secure. All these persons who were over forty years of age saw ruin staring them in the face. It was too late for them to change their habits or acquire new trades.[1] All the stories by eye-witnesses testify to the distress and terror of the "ins," and the rapacity of the "outs," at that time. It is certain that the public service lost greatly by the changes. Sometimes they were made on account of trivial disrespect to Jackson.[2] It is not clear who was the author or instigator of the policy. Lewis is said to have op-

[1] Washington removed nine persons, one a defaulter; Adams, ten, one a defaulter; Jefferson, thirty-nine; Madison, five, three defaulters; Monroe, nine; Adams, two, both for cause. (5 *Ann. Reg.* 19.)

[2] 1 Curtis's *Webster*, 348.

posed it. Kendall does not appear to have started with the intention of proscription. March 24, 1829, he wrote to the editor of the Baltimore "Patriot"[1]: "The interests of the country demand that the [Fourth Auditor's] office shall be filled with men of business, and not with babbling politicians. Partisan feelings shall not enter here, if I can keep them out. To others belongs the whole business of electioneering." Probably Jackson believed that the departments were full of corrupt persons, and that Adams and Clay had demoralized the whole civil service, so that a complete change was necessary. It would be quite in character for Jackson to take all the campaign declamation literally. One man, Tobias Watkins, Fourth Auditor, was found short in his accounts.[2] This seemed to offer proof of all that had been affirmed. The proscription was really enforced by the logic of the methods and teachings of the party while in opposition. The leaders had been taken literally by the party behind them, and by the workers, writers, and speakers who had enlisted under them. If they had failed to reward their adherents by the spoils, or if they had avowed the hollowness and artificiality of their charges against the last administration, they would

[1] 49 Niles, 43. Cf. Kendall's *Autobiography*, 292.

[2] Adams calls this "the bitterest drop in the cup of my afflictions" (8 Adams, 144); and again he says, "The wrong done to me and my administration by the misconduct of Watkins deserves a severer animadversion from me than from Jackson." (8 Adams, 290.) He there depicts Jackson's rancor against Watkins. Niles describes the virulent political animus of the prosecution. (36 Niles, 421.) After Watkins's term of imprisonment was over, he was detained on account of an unpaid fine By Jackson's personal order a label, "Criminal's Apartment," was put over the door of the room in which he was kept.

have thrown their party into confusion, and would have destroyed their power. It has been shown above how the spoils system had been developed, since the beginning of the century, in Pennsylvania and New York.[1] It is a crude and incorrect notion that Andrew Jackson corrupted the civil service. His administration is only the date at which a corrupt use of the spoils of the public service as a cement for party organization under democratic-republican self-government, having been perfected into a highly finished system in New York and Pennsylvania, was first employed on the federal arena. The student who seeks to penetrate the causes of the corruption of the civil service must go back to study the play of human nature under the political dogmas and institutions of the States named. He cannot rest satisfied with the explanation that "Andrew Jackson did it."

Thirty-eight of Adams's nominations had been postponed by the Senate, so as to give that patronage to Jackson. Between March 4, 1829, and March 22, 1830, 491 postmasters and 239 other officers were removed, and as the new appointees changed all their clerks, deputies, etc., it was estimated that 2,000 changes in the civil service took place.[2] Jackson, as we have seen, had made a strong point against the appointment of members of Congress to offices in the gift of the President. In one year he appointed more members of Congress to office than any one of his predecessors in his whole term.[3] The Senate, although democratic, refused to confirm many of the nominations made. Henry Lee, appointed consul to Algiers, and James B. Gardner,

[1] Page 102.

[2] Holmes's speech in the Senate, April 28, 1830.

[3] 5 *Ann. Reg.* 20.

register of the land office, were unanimously rejected. Others were rejected by large votes.[1] Isaac Hill was one of these. Webster said that, but for the fear of Jackson's popularity out-of-doors, the Senate would have rejected half his appointments.[2] The Senate objected to the obvious distribution of rewards among the partisan editors who had run country newspapers in Jackson's influence.[3] Eaton had visited Binns, and had made to him a distinctly corrupt proposition to reward him with public printing,[4] if he would turn to Jackson. The rejection of the editors was construed by the Jackson men as a proscription of "printers" by the "aristocratic" Senate.[5] Kendall was confirmed by the casting vote of Calhoun, for fear that he would, if not confirmed, set up a newspaper in competition with Green's "Telegraph" for the position of administration organ.[6] On subsequent votes some of the appointments were confirmed, for it was found that Jackson was thrown into a great rage against the Senate which dared reject his appointments. He was delighted when Hill, in 1831, was elected by the Legislature of New Hampshire a member of the Senate which had refused to confirm him as Second Comptroller of the Treasury. Jackson threw all the administration influence in favor of Hill's election. Here we have an illustration of a method of his of which we shall have many illustrations hereafter. When he was crossed by any one in a course in which he was engaged, he drew back to gather force with which to carry his point in some mode so much more distasteful to his opponents than his first enterprise

[1] 5 *Ann. Reg.* 21. [2] 1 Webster's *Correspondence*, 501.
[3] 1 Webster's *Correspondence*, 488. [4] Binns, 253.
[5] Kendall's *Autobiography*, 370.
[6] Kendall's *Autobiography*, 371.

that it would be a kind of punishment to them and a redress to him.

Van Buren and Calhoun at once began to struggle for the control of the patronage which was made disposable by the system of proscription. Their contest for the succession rent the administration.

It was a very noteworthy fact that this administration, which represented a certain contempt for social forms and etiquette, should immediately go to pieces on a question of that kind. So true is it that etiquette is never burdensome until we try to dispense with it.

In January, 1829, John H. Eaton married Mrs. Timberlake, widow of a purser in the navy, who had, a short time before, committed suicide, while on service in the Mediterranean, because he could not conquer habits of excessive drinking. Mrs. Timberlake was the daughter of a Washington tavern keeper. As Peggy O'Neil she had been well known about Washington. Eaton had paid her such attention, before her husband's death, as to provoke gossip. He consulted Jackson before the marriage. Jackson, having in mind the case of his own wife, was chivalrously ready to take sides with any woman whose reputation was assailed. He made no objection to the marriage. When it occurred, several persons remonstrated with Jackson about it, on the ground that Eaton was to be in the cabinet, and that it would hurt the administration. Jackson replied with spirit to the effect that Mrs. Eaton was not to be in the cabinet. If he had kept that attitude towards the matter there might have been no trouble. By Eaton's appointment his wife was introduced to the first circle in Washington. The wives of the other Secretaries and the wife of the Vice-President did not recognize her. She tried

to force her way, and General Jackson tried to help her. He made a political question of it. R. M. Johnson was the agent for conferring with the Secretaries to prevail on them to persuade their wives to recognize Mrs. Eaton. The gentlemen were approached individually. Each said that he left such matters to his wife, and could not undertake to overrule her judgment. This answer had no effect on Jackson. Mrs. Donelson, wife of Jackson's nephew and private secretary, and presiding lady at the White House, was as recalcitrant as any one. She was banished to Tennessee for some months. Mrs. Huyghens, wife of the Dutch minister, refused to sit by Mrs. Eaton at a public ball. Jackson threatened to send her husband home. September 10, 1829, he held a meeting of his cabinet, before which Ely and Campbell, two clergymen who were held by Jackson partly responsible for the stories about Mrs. Eaton, were called to appear. Jackson interrogated them, argued with them, and strove to refute their statements, as a means of convincing the members of the cabinet that there was no ground for the position their wives had taken. Of course this foolish and unbecoming proceeding had no result.

Van Buren, being a widower, was in a certain position of advantage, which he used by showing Mrs. Eaton public and private courtesies. In this way he won Jackson's heart, for as the matter went on Jackson became more and more engaged in it. On the other hand, Calhoun suffered in Jackson's good graces by the fault of Mrs. Calhoun, who had been conspicuous for disapproval of Mrs. Eaton. Jackson had been growing cold towards Calhoun for some time. He doubted if Calhoun was thoroughly loyal to him in 1825[1] or in

[1] Wise (p. 82) says that Jackson was very angry with Calhoun after the election in 1825.

1828. He thought that Calhoun, in 1825, would have made other arrangements than those with Jackson, if any more convenient ones had been offered him. Calhoun did, in fact, declare, in 1825, that he was quite neutral as between Adams and Jackson. He did not interfere at all with the election.[1] The Eaton affair was either a pretext or a cause of widening the breach between them. The factions opposed to Calhoun tried to increase the bad feeling. Jackson was led to believe, and he often affirmed, that the attack on Mrs. Eaton was a plot to drive Eaton out of the cabinet. When forced to justify his own interference, he put it on this ground. He said that Clay was at the bottom of the attack on Mrs. Eaton. All this trouble in the cabinet remained for the time unknown to the public.

Lewis's statement, given by Parton,[2] covers the history of all Jackson's relations with Calhoun. Lewis had an inkling, in 1819, that Calhoun had not, as Jackson supposed, been Jackson's friend in Monroe's cabinet, in the Seminole war affair. Lewis wrote to the "Aurora," suggesting that opinion, but Jackson wrote to him from Washington to dismiss any suspicion as to Calhoun's unfriendliness in that matter. It seems to be necessary to read between the lines of Lewis's statement, on pages 315–30. Did he not always retain his suspicion of Calhoun? Was he not on the watch for any evidence to confirm it? He speaks as if he had rested content with Jackson's assurance, and had been corrected later by accident or entirely on the initiative of others. He does not mention the first attempt made by the old Crawford men to get over into the Jackson camp. It was not an easy march, for in 1824 the Crawford men, as the "reg-

[1] Cobb, 219.

[2] 3 Parton, 310.

ulars," hated intensely the Jackson men, as upstarts and disorganizers. Crawford had carried into his retirement a venomous and rancorous spirit, the chief object of which was Calhoun. He could join any one to hurt Calhoun. In 1828 there was a project to run Crawford for Vice-President with Adams.[1] Adams refused.[2] Crawford also, in 1828, by private letters to the Georgia electors, tried to persuade them not to vote for Calhoun.[3] In the same year he made friends with Clay, writing to him that the charge of bargain was absurd. In April, 1827, Van Buren and Cambreleng visited Crawford, and first established ties between him and Jackson. The first effect was a letter from Crawford to Balch, a neighbor of Jackson, December 14, 1827, stating that Calhoun and his friends bandied about the epithet "military chieftain;" also that Calhoun favored Adams until Clay came out for Adams;[4] and adding that it would do Jackson a service to obtain assurances for Crawford that Jackson's advancement would not benefit Calhoun.[5] This letter was meant to separate Jackson and Calhoun, and it may have had a general effect. Specific consequences cannot be traced to it.

According to Lewis's story, James A. Hamilton, on a Jackson electioneering tour, went to see Crawford, in January, 1828, in order to reconcile him with Jackson. Lewis instructed Hamilton what to say to Crawford on Jackson's part. Hamilton did not see Crawford. He left the business in the hands of Forsyth. Forsyth soon wrote to Hamilton that Crawford affirmed that Jackson's

[1] 33 Niles, 315. [2] 7 Adams, 390. [3] Cobb, 240.

[4] Cf. Lewis, in 3 Parton, 315, on the allusion to Banquo's ghost in Webster's reply to Hayne.

[5] 40 Niles, 12.

enmity against him was groundless, since it was not he, but Calhoun, in Monroe's cabinet, who had tried to have Jackson censured for his proceedings in Florida in 1818. In April or May Lewis was in New York Hamilton showed him Forsyth's letter. For the time, Lewis kept this information quite to himself. He was too clever to spoil the force of it by using it too soon, and he well understood how, in the changes and chances of politics, a conjuncture might arise in which such a fact would gain tenfold force.

In April, 1828, Henry Lee tried to draw Calhoun into a correspondence about the construction of the orders to Jackson in 1818. Calhoun offered to give Jackson any statements or explanations, but declined to correspond with any one else.[1]

In November, 1829, at the height of the Peggy O'Neil affair, Jackson gave a dinner to Monroe. At this dinner Ringold affirmed that Monroe alone stood by Jackson in 1818. If Ringold did not have his cue, he was by chance contributing astonishingly to Lewis's plans. After dinner Lewis and Eaton kept up a conversation, within ear-shot of Jackson, about what Ringold had said. Of course Jackson's attention was soon arrested, and he began to ask questions. Lewis then told him that he had seen, eighteen months before, the above-mentioned letter of Forsyth to Hamilton. Jackson dispatched Lewis to New York the next morning to get that letter. In all this story, it is plain how adroitly these men managed the General, and how skilful they were in producing "accidents." It is evident that they did not think it was time yet to bring about the explosion. Lewis came back from New York without For-

[1] 40 Niles, 14.

syth's letter, and said that it was thought best to get a letter directly from Crawford, containing an explicit statement. In this position the matter rested all winter. It is perfectly clear that the Jackson managers lost faith in Calhoun's loyalty to Jackson and the Jackson party, and that they were hostile to him in 1827–28, but could not yet afford to break with him. Jackson clung to his friendships and alliances with a certain tenacity. As Calhoun was drawn more and more into nullification, the Jackson clique took a positive attitude in opposition to it.

In the autumn of 1829 the clique around Jackson had decided that he must run again, if he should live, in 1832, in order to consolidate the party, which no one else could lead to victory at that time, and that Van Buren must succeed him in 1836.[1] Lewis was already committed to Van Buren, and Parton brings us some more of Lewis's invaluable testimony as to this arrangement.[2] Here, for once, a wire-puller put on paper a clear description of his proceedings in a typical case. There was fear in the Jackson camp, in 1829, on account of Jackson's very bad health, that he might not live through his term. Lewis says that he and Jackson were both anxious that Van Buren should succeed Jackson, and they believed that, if Jackson should die, a political testament left by him would have great influence. Accordingly, Jackson wrote a letter to his old friend, Judge Overton, of Tennessee, dated December 31, 1829, praising Van Buren, and expressing grave doubts about Calhoun. A copy was duly kept, for Judge Overton

[1] Parton says that Benton was booked for the period 1844–52. (3 Parton, 297.)

[2] 3 Parton, 293, 297.

was not informed of the contingent use for which the letter was intended, and no risk was taken as to his care in preserving the letter. This provision having been made for the case that Jackson should die, the next thing was to provide for his reëlection, in case he should live.

December 19, 1829, the "Courier and Enquirer" came out in favor of Van Buren for the succession, if Jackson should not stand for reëlection. The "Telegraph" was annoyed at this, called it "premature," and likely to produce division.[1] These two papers, representing the Van Buren and Calhoun factions in the administration party, were engaged, during the winter, in acrimonious strife.[2] Niles no doubt expressed the sentiment of sensible people when he said, April, 1830, that he did not see the necessity of action on the subject at that time. His statement, however, only showed how little he understood the processes by which the people manifest their power of self-government.

March 11, 1830, Lewis wrote to Colonel Stanbaugh, of Pennsylvania, suggesting that the Pennsylvania Legislature should address to Jackson an appeal to stand for reëlection. To the end that they might send just the proper appeal, Lewis inclosed it to them, already prepared for their signatures. Lewis wrote to Stanbaugh that he did not think it would be wise for Jackson's friends in Washington to [be known to] lead in the movement for his reëlection, and Pennsylvania, the stronghold of his popularity, seemed to be the most advantageous place from which the movement might [appear to] start. The address came back duly signed with sixty-eight names. It was published in the "Penn-

[1] 37 Niles, 300. [2] 38 Niles, 169.

sylvania Reporter," and copied all over the country as a spontaneous and irrepressible call of the people to the "old hero" not to desert his country. The enterprise did not run off quite so smoothly as Lewis's narrative would imply. There was strong opposition by the Calhoun faction to Jackson's renomination, and a distinct renomination could not be carried.[1] In April a caucus of the New York Legislature declared that it responded "to the sentiment of the Legislature of Pennsylvania." This caucus was prompted from Washington, and managed by the editor of the "Courier." [2] As soon as the example was set, other Legislatures followed it. In January, 1831, the "Globe" said that General Jackson might be regarded as before the country for reëlection.[3]

April 13, 1830 (Jefferson's birthday), while still the letter from Crawford was not received, but while Jackson's mind was full of suspicion against Calhoun, a banquet was prepared at Washington, which was intended to be a nullification demonstration.[4] Jackson gave as a toast, "Our federal Union: It must be preserved." This was a bomb-shell to the nullifiers, and a declaration of war against Calhoun, who at the same banquet offered a toast and made a speech, the point of which was that liberty was worth more than union. How much the personal element of growing suspicion and ill-will towards Calhoun had to do with the attitude which Jackson took up towards nullification is a matter of conjecture and inference. His opinions, however, deduced from hatred of the Hartford convention, had always been strongly favorable to the Union, and the men in the kitchen cabinet, except Green, were strong

[1] 38 Niles, 170.
[2] *Ibid.*
[3] 39 Niles, 385.
[4] 1 Benton, 148.

Unionists, although Jackson and they all were likewise strong state-rights men. Ten years earlier Kendall had maintained the major premiss of nullification with great zeal.[1]

At the same banquet Isaac Hill offered the following toast and "sentiment:"[2] "Democracy: 'Wherefore do I take my flesh in my teeth, and put my life in mine hand? Though he slay me, yet will I trust in him.'" The quotation is from Job xiii. 14, and "he" is usually interpreted as referring to God. This "sentiment" therefore exalts democracy higher than any other known expression, but it is best worth remembering as an illustration of the slave-like spirit which is bred by adherence to absolutist doctrines, whether the absolute sovereign be an autocrat or a popular majority. All together, the Jefferson's birthday banquet was a memorable occasion.

A letter from Crawford's own hand, disclosing the attitude of Calhoun in Monroe's cabinet towards Jackson and his proceedings in Florida in 1818, was at last received about May 1, 1830. In this letter the John Rhea letter from Jackson to Monroe first comes into history, and is the pivot on which the whole Seminole war question, in its revived form, is made to turn. Crawford said that that letter was produced in the cabinet, and that it brought him over to Jackson's side, but that Calhoun persisted in hostility. Monroe and every member of his cabinet, when appealed to, denied that the Rhea letter was produced, or brought into consideration in 1818 at all. Jackson immediately, May 13th, inclosed a copy of Crawford's letter to Calhoun, and demanded an explanation of Calhoun's apparent

[1] *Autobiography*, 222.

[2] 38 Niles, 153.

perfidy, as he construed it. Jackson's main point in this letter, which was evidently "copied" for him, is that Calhoun well knew, by virtue of his position in the cabinet, and as he had shown by his orders,[1] that Jackson, in all that he did, had the approval and connivance of the administration. This brought out all the tangled misunderstandings about Jackson's letter to Monroe and John Rhea's supposed reply. Calhoun at once recognized his position. He could not understand the allusions to previous understandings which had never existed, but it was plain that Crawford had opened an irreparable breach between Calhoun and Jackson, and that all the hopes Calhoun had built upon his alliance with Jackson were in ruins. He also saw that the whole movement was a Van Buren victory over him. He replied on May 20th, complaining and explaining. He really had no charge to repel. He had done nothing wrong, and was guiltless of any injustice or perfidy towards Jackson. The whole matter was a cabinet secret. Crawford had violated confidence in making known the nature of the preliminary discussions which preceded the adoption, by Monroe's cabinet, of a definite policy as to Jackson's proceedings. Calhoun was not to blame for any of the misunderstandings about the previous authorization which Jackson thought he had received. It seems that Calhoun might have set forth this position with dignity. He did not do so. Jackson replied to him, May 30th, in a very haughty tone, declaring a complete breach between them on the ground of Calhoun's duplicity. This letter was plainly prepared by the persons who were working on Jackson's strong personal feeling about his Florida campaign to bring him to a breach with Cal-

[1] See page 56.

houn, and to throw him into a close alliance with Van Buren. The plan was a complete success. Lewis says that Jackson sent Calhoun's letter of May 20th to Van Buren, that he might read it and give advice about it, but that Van Buren would not read it because he did not want to be involved in the affair at all. Lewis further says that Van Buren had nothing to do with getting up the quarrel. We may well believe all this. Lewis was not such a bungling workman in a job of that kind as to commit his principal to any inconvenient knowledge or compromising activity.

The quarrel with Calhoun brought on a quarrel with Duff Green and the "Telegraph." Amos Kendall sent for Francis P. Blair, an old Kentucky friend and co-worker of his, and his successor as editor of the "Frankfort Argus." Blair was then thirty-nine years old. He was another old Clay man, converted by Kentucky relief politics into a Jackson man. He was a fanatical opponent of the Bank of the United States, and strongly opposed to nullification. Parton says he was forty thousand dollars in debt. He had been president of the Bank of the Commonwealth of Kentucky, and was indebted to the Bank of the United States.[1] Blair started the "Globe," and took Green's place in the kitchen cabinet, which now contained a very large element of Kentucky relief politics. Blair was the prince of partisan editors, a man made to run an organ. For he was not a mere mouth-piece. He was independent and able to go alone, but had infinite tact, discretion, and shrewdness, so that he was an easy man to work with. The organ, therefore, worked perfectly. Every expression in it came directly from the White House. If Blair spoke without consult-

[1] Kendall's *Autobiography*, 372.

ing Jackson, the harmony and sympathy of their ideas was such that Jackson's mind was correctly interpreted. If Jackson wanted anything said, Blair was in such accord that it cost him nothing in the way of concession to say it. He and Kendall went with Jackson when no one else did, and they were the leading spirits in the government of the country until 1840. The first number of the "Globe" was issued December 7, 1830. Since Blair had no capital, the paper was at first semi-weekly, but Lewis and Kendall brought their connections to bear on the office-holders to make them transfer their subscriptions from the "Telegraph" to the "Globe."[1] Parton says that Jackson compelled the departments to give Blair their printing.

The quarrel between the President and the Vice-President did not become known until the end of the year. Adams first refers to it in his diary under date of December 22, 1830. Niles mentions it as a rumor January 29, 1831. In February, 1831, Calhoun published a large pamphlet about the whole matter.[2] The next thing for his enemies to do was to get his three friends, Ingham Branch, and Berrien, out of the cabinet. To this end those who were in the secret resigned, as a means of breaking up the cabinet and forcing a reconstruction. Barry was asked to remain in his office. Eaton resigned first, April 7, 1831. Van Buren resigned April 11, 1831, in a letter which was so oracular that no one could understand it.[3] The main ideas in his letter of resignation and in Jackson's reply were, (1) that Jackson did not intend to have any one in his cabinet who was a candidate for the succession. This indicated Van Buren as such a candidate. (2) That the cabinet was

[1] 40 Niles, 318. [2] 40 Niles, 11. [3] 40 Niles, 145.

originally a "unit," and that Jackson wanted to keep his cabinet a unit. This hint had no effect on the other Secretaries. They wanted to be dismissed, and a separate quarrel was necessary in the case of each. It was in this connection that the Peggy O'Neil affair [1] and all the old misunderstanding about the Seminole war came to a public discussion. Van Buren was appointed minister to England, and he went out. At the next session of Congress a great political conflict arose over his confirmation. When McLane was sent out to England, in 1829, he had instructions from Van Buren to reopen the negotiations about the West India trade,[2] and, as a basis for so doing, to point out to the English government that the party which had brought that question into the position in which it then stood had been condemned by the people at the election. This introduced the internal party contests of the country into diplomacy, and instead of representing this nation to foreign nations as a unit, having, for all its international relations, a continuous and consistent life, it invited foreigners to note party changes here, as if they had to negotiate at one time with one American nation, and at another time with another. The fact that Van Buren had given these instructions was alleged as a reason for not confirming his appointment, but the debate took a wide range. His confirmation was defeated by the casting vote of Calhoun. This check to Jackson's plans gave just the requisite spur of personal pique to his desire to make Van Buren President, and he pursued that purpose from this time on with all his powers. It was in the debate on Van

[1] Webster knew of that affair and its political bearings in January, 1830. (1 *Correspondence*, 483.)

[2] See below, page 169.

Buren's confirmation that William L. Marcy cynically avowed the doctrine: "To the victors belong the spoils."

Eaton was in a state of ungovernable rage at the discussion of his wife's reputation by the newspapers from one end of the country to the other. He challenged Campbell, one of the clergymen mentioned above as prominent in connection with the scandal. June 18, 1831, he challenged Ingham, Secretary of the Treasury. Ingham declined to fight. A few days later Ingham complained to Jackson that he had been waylaid and hindered in his duties by Eaton, Lewis, Randolph, and others. They denied that they had molested him, or had intended to do so.[1] Jackson's plan had been that Hugh L. White, senator from Tennessee, should resign, and that Eaton should take his place. White was to be Secretary of War.[2] White, however, who perhaps was piqued that he was not made Secretary of War in 1829, declined to fulfil his share of this programme. He became alienated from Jackson. Eaton was made Governor of Florida. From 1836 to 1840 he was minister to Spain. Parton says he quarrelled with Jackson, and was a whig in 1840.[3] He died in 1856. Mrs. Eaton died about 1878.

The new cabinet was: Edward Livingston, of Louisiana, Secretary of State; Louis McLane, of Delaware, Secretary of the Treasury; Lewis Cass, of Michigan, Secretary of War; Levi Woodbury, of New Hampshire (who had given up to Hill his place in the Senate), Secretary of the Navy; Roger B. Taney, of Maryland, Attorney-General. Adams mentions a story that the War Department was offered to William Drayton,

[1] 40 Niles, 302. [2] Hunt's *Livingston*, 358.

[2] 3 Parton, 368, 639. See, also, page 273.

leader of the Union party of South Carolina.[1] This cabinet was a "unit," and a unit for Jackson and the successor on whom he had determined.

We have now brought the intimate and personal history of Jackson's first administration down to the time when the campaign for his reëlection opened. We have seen how Jackson construed the presidential office in its immediate bearings, and how he addressed himself to its immediate and personal duties.

[1] 9 Adams, 182.

CHAPTER VIII.

PUBLIC QUESTIONS OF JACKSON'S FIRST ADMINISTRATION. — I.

It is proposed in this and the three following chapters, to take up, in categorical order, the great questions of public policy with which Jackson had to deal, to show how each question stood when he was elected President, and to show what was done about it, more especially how he acted upon it, during his first administration down to December, 1831, when the campaign of 1832 opened.

The first two points to be noticed are questions of foreign relations.

I. *The trade between the United States and the British West Indies* had been a source of irritation and dissatisfaction ever since the United States had been independent. Great Britain declined, in 1815, to include the West Indies in the commercial treaty then negotiated. In the negotiations of 1818, Rush and Gallatin offered complete reciprocity as to ships and goods, but England would not give up her colonial system.[1] The act of Congress of April 15, 1818, was intended to countervail the English navigation system. It introduced a policy of retaliation in which, at that time, much faith was placed.[2] This act provided that no British ships should come here from any port to which an American

[1] 1 Rush, 417.

[2] See page 197.

ship might not go, and that an English ship, clearing here, should give bonds not to land her cargo where an American ship might not go. This law hurt the islands. England then made Halifax and St. John's free ports for goods in transit to the West Indies. This arrangement drew American products to the ports mentioned, from which they were taken to the West Indies in British ships. Negotiations, which were attempted, came to nothing, because the English insisted on laying differential duties to favor their northern colonies. By the act of May 15, 1820, the United States forbade all trade with the British West Indies in British vessels, and all importation of British West India goods save in direct trade from the place of production. This closed the trade with the British colonies and forced concessions from England, which greatly strengthened faith in the "countervailing" policy. By an act of Parliament of June 24, 1822, the British West Indies were opened to foreign vessels, at specified ports, for specified goods, subject to the colonial duties and to a ten per cent differential duty to favor the products of British North America.[1] The voyage of an English ship then was to the United States, thence to Halifax, thence to the West Indies, thence to England. Monroe's proclamation of August 24, 1822, responded to the act of Parliament by opening the ports of the United States to British ships bearing West India goods, under a differential tonnage duty of $1.00 per ton, and a differential impost of ten per cent. Neither an American nor a British vessel could then bring West India goods from a northern British colony, nor products of a northern colony from the West Indies.[2] By the act of March 1, 1823, the

[1] 23 Niles, 28.

[2] Treasury Circular, 23 Niles, 86.

United States confined the trade in English bottoms to the direct trade, and the differential tonnage duty was put at ninety-six cents. The demand of the United States then was, to be put on the same footing in the British West Indies as the British North American colonies. If this claim had been made on a general free-trade theory, it would have been wise and laudable, but in advance of the age. Under the idea of trade which then prevailed, it was thought to be an unbecoming demand. The King of England, by an order in council, July, 1823, laid a retaliatory differential tonnage duty of 4*s.* 3*d.* per ton on American ships in the West Indies. Thus the statesmen of the two countries were trying to see what mischievous devices they could invent to cripple trade, and to treat a ship coming from such a port, or with such goods, as if it were a pirate or pest-laden. The English restrictions were aimed at the Americans, but it was very plain to the West Indians that it was they, and not the Americans, who bore the weight of all the taxes and restrictions by which the shipping of Great Britain was protected and the northern colonies were favored. The American ships fell back into the old-fashioned illicit trade, and did more and more of the business, in spite of all the regulations. The geography of the islands offered the greatest facilities for such trade. The islanders connived at it. Why should planters in Jamaica pay ten per cent extra duty, at the bidding of statesmen in England, in order to buy inferior flour of farmers in New Brunswick? No men of the Anglo-Saxon race have been found who would thus sacrifice their interests, if they saw the fact, and if they could in any way help themselves. Adams tells a story which he got from Foot, of Connecticut, who had

himself been engaged in the West India trade. He took to the West Indies candles, which were subject to heavy duty. The inspector said they were not candles, but herrings, and passed them.[1]

The whole English navigation system was decrepit. As trade expanded, the old policy became impossible. By the act of Parliament of July 5, 1825, England divided the powers which had colonies from those which had none. To the former she offered complete reciprocity, metropolis against metropolis, colonies against colonies. To the latter she offered the same rights in her colonies which they gave to England and her possessions. Her empire as a whole was put in reciprocity with any other empire as a whole, but parts of her empire were to favor each other. The proposition thus made to all the world was to stand open for a year, and was to go into operation in favor of any who, within that time, should give notice of their acceptance of it. On account of politics in Congress in 1825–26, no action was taken by the United States. The protectionists here ridiculed the pretended slackening of the navigation system, and they made light of all Huskisson's reforms which were carried out in the same connection, and from which, in fact, modern free trade dates. They thought they saw interested and sinister reasons for the reforms. Interested reasons there certainly were, and no others. There never are, and never ought to be, any others, for this kind of legislation. The navigation system was so cumbersome and burdensome that it could not be sustained. The act of 1825 was pitiful enough in comparison with sound doctrine, but it was a first breach in an old system, which was founded in strong prejudices and sustained by powerful interests.

[1] 7 Adams, 429.

July 27, 1826, an order in council was issued, closing the ports of the English colonies in America, except Canada and Nova Scotia, to American ships after December 1, 1826. England now interdicted the trade which the United States had interdicted in 1820. Gallatin had just arrived in England to try to renew negotiations. Canning refused to negotiate, saying that England meant to regulate her commercial relations by the act of Parliament, not by negotiations. England did not complain, he said, that the United States had not cared to take what others thought worth having. England held that colonial trade was a boon, to be paid for, if granted at all. The United States held that trade is its own reward, and is mutually advantageous.[1] The latter ought to have put itself plainly and consistently on that doctrine in all its bearings. American protectionism even, at that time, was by no means a barbarian prejudice against trade, or a sacrifice of national interests to private cliques, in the measure of their impudence and rapacity. The United States wanted complete reciprocity as to ships and the carrying trade, and its doctrine was that each nation should arrange its fiscal system to suit itself; but it tried to countervail, by taxes on imports, the taxes laid by foreign nations on American exports of grain, etc.[2] Part of the English regulations belonged to the domestic fiscal system of Great Britain, but others were part of the navigation system. Hence the conflict arose.

[1] Correspondence, 31 Niles, 269.

[2] See below, page 195. Niles, who was a fanatical protectionist, said, "To all the powers that wish 'free trade,' we say, Let free trade be; to all that will restrict us, we say, Let restriction be." (31 Niles, 240: December, 1826.)

The matter had now (1827) been brought into a diplomatic dead-lock, where the next move must be for one party or the other to recede from its position. Canning's sarcasm was not a little to blame for this state of things. The opposition in the United States made capital out of the entanglement. In the mean time the illicit trade went merrily on, and the smuggler rectified, in his way, the folly of statesmen. Thus the matter stood when Jackson was elected.

One of his first acts was to send McLane to England to reopen negotiations. This he was to do by pointing to the result of the election as a rebuke to the former administration, which had brought about the dead-lock.[1] Pending the negotiations an act of Congress was passed, May 29, 1830, authorizing the President to declare the acts of 1818, 1820, and 1823 repealed, whenever American ships should be allowed in the West Indies on the same terms as British ships from the United States, and when they should be allowed to carry goods from the colonies to any non-British ports to which British ships might go. This act was sent to England. Lord Aberdeen said that it was all that England had ever demanded.[2] The colonial duties were raised, a differential duty in favor of the North American colonies was laid, and the trade was opened. The President issued his proclamation October 5, 1830. The administration boasted of this diplomatic achievement. The truth was that the United States set out to force England to let American goods come into the West Indies on the same footing as British North American goods. England was coerced by the acts of 1818 and 1820. Canning said, in 1826, that England had yielded to coercion, but that

[1] Cf. page 161. [2] 39 Niles, 390 fg.

she escaped from it as soon as she could. She opened her trade to all the world as an escape. The countervailing system of the United States, then, no longer exercised any coercion, and the United States, to get the trade reopened, abandoned the demands with which it had started on the experiment of countervailing. This last step was what the Jackson administration had accomplished. Niles and the other protectionists scoffed at the new arrangement. They said that the illicit trade was better than the new arrangement.[1] A proof that this was true is found in the fact that the illicit trade went on. The laws forced products of the United States to reach the islands through Canada and Nova Scotia, and this offered just so much premium to illicit trade.

II. *The claims of the United States for spoliations* against France and against all those states of Europe which had been drawn by Napoleon into his Continental system, had been a subject of fruitless negotiation ever since 1815.[2] Jackson took up these claims with new energy and spirit. He sent W. C. Rives to France in 1829, under instructions which covered the whole history of the claims, to try to get a settlement. In his message of 1829, while these negotiations were pending, Jackson referred to the claims as likely to "furnish a subject of unpleasant discussion and possible collision." This reference was not of a kind to help the negotiations. In 1830 a revolution put Louis Philippe on the throne under a Constitution. New hopes of a settlement

[1] 39 Niles, 298; 42 Niles, 148.

[2] Succinct statements of the origin and history of these claims in the report of a minority of the committee of the House, 48 Niles, 6, and the article 47 Niles, 455.

of the claims were raised by this turn in affairs. A treaty was finally signed at Paris, July 4, 1831, by which France agreed to pay twenty-five million francs, and the United States agreed to pay one and a half million francs, in final settlement of all outstanding claims of citizens of one country against the government of the other country. The treaty was ratified February 2, 1832. The first instalment became due February 2, 1833. Claims against the other States of the old Continental league were likewise liquidated, and payment was secured during Jackson's administration. The administration derived great credit from these settlements. There was a great deal more in the matter than the money. European nations, which had similar claims against France, had secured payment soon after the peace, but the claims of the United States had been neglected. Payment now meant a concession of consideration and respect to the United States, and the people felt that Jackson had won this for the nation.

We have now to notice seven leading questions in the internal policy of the nation up to and during Jackson's first term of office: —

I. *The federal judiciary* had never yet been organized in such a manner as to discharge its functions satisfactorily. The federal judiciary act, which was passed at the close of Adams's administration, was hastily repealed, as a political measure, immediately after Jefferson's accession. The repeal was an error, for the federal judiciary continued weak and inadequate for lack of just what that act had provided. After the decisions on great constitutional points which were rendered between 1819 and 1825, a party grew up which was ready to make any attempt to reorganize the federal judiciary

an occasion for an attack, both on the federal authority and on the judicial institution. The strongest disposition so to act was evinced by the Kentuckians.[1]

In the session of 1825–26, when a bill for some new circuits of the Supreme Court was pending, Rowan, of Kentucky,[2] moved an amendment that seven judges out of ten (the number which the bill proposed) must concur in order to declare any state law unconstitutional. The whole bill was lost in a disagreement of the two Houses.

In the session of 1827–28 a bill was introduced to regulate the procedure of the federal courts in the new States which had been admitted since the laws of September 29, 1789, and May 8, 1792, which regulated the procedure of the federal courts, were passed. To this bill Rowan proposed an amendment which would take away from the federal courts the power to modify or change any of the rules of procedure, or any of the forms of writs of execution, which were to be those of the State in which the court was sitting.[3] If this amendment had been passed, the federal courts would not have been allowed to change rules and forms, but the state Legislatures would have had power to do so, and the federal judiciary would have been handed over to state control. This amendment was adopted by the Senate. Webster, who had been away, returned to find that the whole federal judicial system had been thrown into confusion[4] by this hasty proposition, which had been made only with reference to some of the whims of Kentucky relief politics. He exposed the effects of the bill. It was recommitted and recast, establishing for

[1] See chapter VI.
[2] Cf. page 123.
[3] Cf. page 129.
[4] 7 Adams, 455.

the new States the procedure then existing, with power in the courts to modify under the supervision of the Supreme Court, and in this shape it was passed.

In 1830 an attempt was made to repeal the twenty-fifth section of the judiciary act, by which the Supreme Court is empowered to pass upon the constitutionality of state laws. The bill was lost in the House by the vote of 137 to 51, but the minority consisted of some of the leading administration men. In 1831 the House refused, 115 to 61, to consider a resolution instructing the judiciary committee to report a bill setting terms of years for federal judges.[1] In 1830 Berrien gave an opinion on the South Carolina Police Act,[2] in which he overturned Wirt's opinion. He held that that act was valid because it was an act of internal police. In this opinion he laid down the doctrine of the extreme Southern state-rights men about the limits of federal power. He held that the federal authorities ought not, in exercising their powers, to make laws or treaties to come into collision with anything which the States had done under their reserved powers, unless it was *necessary* to do so. The admission of black men into the State was only convenient, not necessary; hence collision on that point would be improper.[3]

The Jackson party and the Executive Department were on terms of jealousy and distrust with the judiciary for several years. Another expression of these feelings was the impeachment of Judge Peck, of Missouri. The democrats were especially jealous of the prerogative powers of the courts, among the rest of the power to imprison for contempt. Peck wrote out and published in

[1] 39 Niles, 405.

[2] See page 130.

[3] 2 Opinions of the Attorneys-General, 433.

a newspaper, in 1826, a decision which he had rendered. Lawless, counsel for the defeated party, published a review of the opinion. Peck imprisoned him for twenty-four hours, and suspended him from practice in the court for eighteen months, for contempt. Lawless petitioned the federal House of Representatives during three sessions for redress, in vain. In 1829 the democratic House impeached Peck. Buchanan was the leader.[1] The impeachment was in the current of popular feeling, and there was capital to be made out of it. January 31, 1831, the vote was, 21 to convict, 22 to acquit. Adams says that Jackson favored acquittal lest Buchanan should gain by a conviction, just as Jefferson, in Chase's case, favored acquittal lest John Randolph should gain power by a conviction.[2] By an act of March 2, 1831, the power of the courts to punish at discretion for contempt was limited to cases of misbehavior in court, or so near to the court as to obstruct the administration of justice.

II. *The Indians of the Gulf States* had been in collision with the Whites ever since the Revolution, when the Cherokees and Creeks were allied with England. The government of the United States restrained the Indians from intercourse with foreign nations, and made them wards of the nation, but it made treaties with them as independent tribes, not to say nations. The history is a monotonous repetition of the same series of facts. The Indians occupied as much territory per man for their hunting-grounds as would have supported a dozen white families. The Whites gained economic ad-

[1] Charges and specifications, 38 Niles, 245. Cf., also, 2 Kennedy's *Wirt*, 308.

[2] 8 Adams, 306.

vantages by spreading themselves thinly over a great area. Treaties were made by which the Indians ceded land, and a boundary was drawn. The Whites spread over the territory and up to the boundary. The two races then began to commit outrages on each other. The Whites made no account of white outrages and great account of red outrages. They set out to chastise the Indians. They forced a new treaty, with a new land cession, established a new boundary, and began the same process over again.

In November, 1785, Georgia made a treaty with the Creeks at Galphinton, by which they ceded land. The Continental Congress was not a party to this treaty, but it made one with the Cherokees in December of the same year,[1] at Hopewell. In 1786 Georgia made another treaty with the Creeks at Shoulder Bone Creek. In 1789 the new federal government sent an agent to investigate the treaties made by Georgia. He approved of them, but he failed in his effort to make another on behalf of the federal government, because McGillivray, the half-breed chief of the Creeks, opposed any further treaties.[2] In 1790 McGillivray and several other chiefs were persuaded to go to New York. There they made a treaty. Washington's administration was in the attitude of protecting the Indians against the Georgians. The latter were much displeased by the treaty of New York, because it gave up to the Indians lands which had been extorted from them at Galphinton. McGillivray died in 1793, and Georgia, in the same year, made war on the Creeks. Washington wrote to express strong disapproval of this offensive movement on the part of

[1] 2 Stevens, 410 fg.

[2] See 2 Pickett, 30 fg., for the story of McGillivray.

Georgia.[1] In 1796 the United States made a treaty at Holston with the Cherokees, by which the latter were to be subject to the United States only, and to treat with the United States only. In the same year the federal Indian Intercourse Act forbade any one to go into the Indian territories under penalty of fine or imprisonment. In 1798 the Cherokees made a further cession at Tellico, in a treaty with the United States, by which their remaining lands were secured to them, and they were to have their own laws, to which any white person residing amongst them was to be subject.[2] There was an old treaty of 1777 between Georgia and the Cherokees, which the former always made the basis of its claims.[3] New lands, which were obtained by cession, were, according to the practice of Georgia, distributed by lottery amongst the citizens of the State. Hence the eagerness for land cessions of the people of that State, and the constantly renewed collisions with the Indians and with the federal government. In 1802 the United States agreed to extinguish the Indian title to lands within the prescribed boundaries of Georgia, "whenever it could be peaceably done on reasonable terms," and Georgia ceded to the United States the present States of Alabama and Mississippi, with the privilege of settling with the Yazoo land-scrip holders, to do which ultimately cost four million dollars.

Georgia continually pressed the federal government to buy off the Indian title to lands in that State, and it was done from time to time for certain portions. The treaty of 1802 was supposed to cover Georgia's claims for the expenses of the Indian wars of 1793–94, but

[1] 2 Stevens, 454; 2 Pickett, 144.

[2] 5 *Ann. Reg.* 45.

[3] 2 Kennedy's *Wirt*, 278.

those claims were urged until 1827, when Congress voted $129,375 to discharge them. At the urgent solicitation of Georgia, Monroe appointed two commissioners to treat with the Creeks, of whose lands nine and a half million acres were still under the Indian title. The lower Creeks were then on the land west of the Flint River, and north of 31° 30′, and the upper Creeks were almost entirely in Alabama, between the Coosa river and the Georgia boundary, and north of an east and west line through the Hickory Ground (Wetumpka). These boundaries were set by Jackson's treaty with the Creeks of 1814, and he guaranteed to them the lands which were then left to them.[1] The Cherokees were in the northwestern corner of Georgia, the northeastern corner of Alabama, and the southeastern corner of Tennessee, between the Chattahoochee, the Etowah, and the Hiwasee rivers. The Creeks voted to put to death any one who should vote to sell any more land, and refused to treat with Monroe's commissioners. After the council broke up, a few chiefs, headed by McIntosh, made the treaty of Indian Spring, February 12, 1825, ceding all their lands in Georgia and Alabama for $400,000. The Senate confirmed this treaty, March 3, 1825. April 30th the Creeks set McIntosh's house on fire, and shot him as he came out. Governor Troup of Georgia claimed the lands for Georgia at once, and began to survey them. He also set up a lottery to dispose of them. President Adams appointed an agent to investigate the negotiation of the treaty. The agent reported that forty-nine fiftieths of the Creeks repudiated the treaty as a fraud on them. The President ordered General Gaines to prevent any trespass on the lands of the Indians, and

[1] Folio State Papers, 1 *Indian Affairs*, 827.

pointed out to Governor Troup the objections to his proceedings. Troup blustered, and asked if the President would hold himself responsible to the State of Georgia. The Georgia Legislature did not sustain the Governor. The treaty of Indian Spring was annulled, and a new one was made in January, 1826, by which a part of the lands in Georgia were ceded. This treaty was not confirmed, and another, ceding all[1] the lands in Georgia, was finally made, as Benton says, by appealing to the cupidity of the chiefs. The McIntosh party got an indemnity, and a large sum was given to the chiefs. Land was to be provided west of the Mississippi for all who would go there. This treaty did not satisfy the Georgians. Nevertheless, inasmuch as by the last treaty all the lands in Georgia were ceded, and by the second treaty only part of those lands were ceded, the Georgians claimed a substantial victory,[2] although not all the lands in Georgia and Alabama were ceded, as by the treaty of Indian Spring. The Cherokees still remained undisturbed. In January, 1828, the Georgia Legislature passed a set of resolutions, the truculency of which is unparalleled, demanding that the United States should extinguish the title of the Cherokees.[3]

The Cherokees were the most civilized of the Gulf Indians, and perhaps they had reached a higher pitch of civilization than any other Indians have ever yet reached.[4] They had horses and cattle, goats, sheep, and swine. They raised maize, cotton, tobacco, wheat, oats, and potatoes, and traded with their products to New Orleans. They had gardens, and apple and peach orchards. They had built roads, and they kept inns for travellers. They

[1] 1 Benton, 59.
[2] Hodgson, 141.
[3] 3 *Ann Reg.*, Local History, 143.
[4] 3 *Ann. Reg.* 77.

manufactured cotton and wool. Probably all this was very poor in its way. Their numbers were increasing. In 1825 there were 13,563, besides 220 resident whites and 1,277 slaves, in the Cherokee country. One of their number had invented an alphabet for their language. They had a civil government, imitated from that of the United States. The Chickasaws had ten mills and fifty workshops. They lived in the northeast corner of Mississippi. They numbered 4,000, and were increasing. The Choctaws, in Central Mississippi, numbered 21,000, and ranked next to the Cherokees in civilization. The Creeks numbered 40,000, and were the lowest in civilization. The money paid them for their lands had debauched them. It was the facts that the Indians had reached a certain grade of civilization, that they were increasing in numbers, and that they were forming civilized civil and Christian bodies, which made all the trouble, for these facts all led to the probability that the Indians would remain a permanent part of the society, and would occupy definite areas of land in the midst of the States. It certainly was a home question, when, in 1829, Jackson asked whether Maine or New York would tolerate an Indian state within her own civil limits. Peter B. Porter, Secretary of War under Adams, prepared a plan for an Indian territory west of the Mississippi, and for colonizing the Gulf Indians in it. The plan was referred to the next administration. Adams made himself very unpopular in the Southwest by his action to protect the Indians. He did not get a vote in Georgia in 1828. Jackson had abundantly shown[1] that he held the Southwestern white man's views of Indians and Indian rights.

[1] See page 23.

As soon as Jackson was elected, December 20, 1828, Georgia passed a law extending her jurisdiction over the Cherokee lands and dividing them into counties, and enacted that no Indian should testify against a white man. In 1829 she modified this so that an Indian might testify against a White who lived in the Indian territory. In 1829 Alabama, and in 1830 Mississippi, passed similar laws, but somewhat milder. The new administration admitted the soundness of the theory of these laws, which were plainly in contravention of the treaties made with the Indians by the federal government. In his message of 1829 Jackson said that he had told the Indians that their pretensions would not be supported. In the spring of 1830 Congress passed an act for encouraging and facilitating the removal of the Gulf Indians to a territory set apart for them west of the Mississippi.

The quarrel between Georgia and the Indians had now narrowed down to a struggle with the Cherokees, who were the most civilized, and who had the strongest treaty guarantees from the federal authority for their territory and their self-government. It was proposed to test the proceedings of Georgia before the Supreme Court of the United States. In the summer of 1830, Judge Clayton, a Georgia state judge, charged the grand jury that he intended to allow no case to be withdrawn from his jurisdiction by any foreign authority, but that he should enforce the state laws about the Indians, and he wanted to know whether he was to be supported by the people.[1] The first test arose on a murder case against George Tassel, a Cherokee, for killing another Cherokee. The Superior Court of Hall County tried,

[1] 39 Niles, 99.

convicted, and sentenced him. The Chief Justice of the Supreme Court of the United States issued a citation to the State of Georgia, December 12, 1830, to appear and show cause, in answer to a writ of error, why the sentence against Tassel should not be corrected.[1] Governor Gilmer laid this document before the Legislature, which ordered him to disregard it, and to resist by force any attempt to interfere with the criminal law of the State. On the 28th of December Tassel was hung.

The Governor of Georgia called on the President to withdraw the federal troops, and leave Georgia to deal with the Indians and gold-diggers. The President complied. The Georgia militia marched in, and complaints from the Indians at once began to be heard. The President refused to enforce the treaty rights of the Indians. The Cherokees applied to the Supreme Court for an injunction to prevent Georgia from interfering with their treaty rights. In January, 1831, the court, while in effect sustaining the claims and rights of the Cherokees, declared that the remedy prayed for could not be employed. What was needed was not a judicial but a political remedy.[2] The political remedy belonged to the Executive and the President had refused to use it.

Georgia ordered all white residents of the Cherokee country to obtain state licenses, and to take an oath of allegiance to the State. Two missionaries, sent out by a Boston society, Worcester and Butler, amongst others, did not comply with this law. They were arrested, but were at first released, under the belief that they were disbursing agents of the federal government. The authorities at Washington denied that they were such. Thereupon they were rearrested, tried, convicted, and

[1] 39 Niles, 338.

[2] 5 Peters, 1.

condemned to four year's hard labor in the penitentiary. In sentencing them Judge Clayton made another stump speech.[1] On a writ of error in 1832, the Supreme Court held that the law under which these men were convicted was unconstitutional, that the laws of Georgia about the Cherokees contravened federal treaties and were void, and the men were ordered to be released.[2] Georgia refused to obey. The Georgia doctrine seemed to be that all three Departments of the federal government must concur in holding a state law to be unconstitutional in order to set it aside.[3] Jackson refused to take any executive action to give force to the decision of the court. The presidential election was at hand, and he said that he would submit his conduct to the people, who could at the election show whether they approved or disapproved of his refusal to sustain the decision.[4] No case could more distinctly show the vice of the political philosophy which Jackson professed. Twelve persons in all were convicted, in Georgia, of illegal residence in the Indian country. All were pardoned.[5] The missionaries refused at first to accept a pardon. In January, 1833, they withdrew their suit in the Supreme Court, and were released.[6]

In 1833 Alabama came into collision with the federal government on account of Indians. Federal troops were employed to expel intruders from the Indian territory.

[1] 41 Niles, 174.

[2] 6 Peters, 515.

[3] 9 Adams, 548.

[4] Greeley has a story that Jackson said, "John Marshall has made his decision. Now let him enforce it." (1 Greeley, 106.) Jackson disliked Marshall, although he had no active enmity against him. Scarcely two men could be found less likely to appreciate each other personally or politically.

[5] 7 *Ann. Reg.* 265.

[6] 43 Niles, 419.

In executing this duty they killed one Owens. The state authorities attempted to try for murder the soldiers through whose action the man met his death. The military authorities would not consent. The federal government, taught by nullification, took a firmer position than in the case of Georgia. By a compromise, the reservation was made smaller, and the white intruders were allowed to buy titles from the Indians.[1]

In September, 1830, a treaty was negotiated at Dancing Rabbit Creek with the Choctaws, over whom Mississippi had extended her laws, by which they ceded their lands and went west of the Mississippi. They were to be provided with land, transportation, houses, tools, a year's subsistence, $50,000 for schools, $20,000 a year for twenty years, $250 each, for twenty years, for four chiefs, and $500 for another, as president of the nation, should such an officer be chosen. When this treaty was before the Senate for ratification the preamble was stricken out, because it recited that "the President of the United States has said that he cannot protect the Choctaw people from the operation of these laws" of Mississippi.[2] During the next eight years the tribes were all half persuaded, half forced, to go. The Indian Territory was roughly defined by an act of June 30, 1834. Part of the Cherokees had gone in 1818, because they wanted to follow their old mode of life. In 1836 all the rights of the Cherokees east of the Mississippi were bought for five million dollars and the expenses of removal.[3] In the same year the Creeks broke into hostilities, and were forced to migrate. In 1838 the civilized Cherokees migrated, except a few, who disappeared as Indians have disappeared everywhere else.

[1] 45 Niles, 155; Hodgson, 179.

[2] 40 Niles, 106.

[3] 50 Niles, 265.

CHAPTER IX.

PUBLIC QUESTIONS OF JACKSON'S FIRST ADMINISTRATION. — II.

III. *The land system of the United States* had been adopted in 1800, when the price was fixed at $2.00 per acre, and long credit was given, or at the rate of $1.64 per acre, cash.[1] In 1820 the price was reduced to $1.25 per acre, cash, as a minimum price. There were heavy arrears due for lands sold on credit. The policy to be pursued with the lands came to be a great political question. The popular notion was that the lands, while wild and in the hands of the government, were a great property. The earth's surface is an abode for man, and a source from which he can get a supply of the things to satisfy his needs, if he will work hard enough for them. In its natural state the land is only an open chance, worth a great deal to a man who has no other chance, but not attractive to a man who has any command of the resources of life which may be employed in civilized communities. The earth's surface is not a boon or gift of nature to man, and cannot be a thing of value while wild. To subdue the land to the use of man costs hardship, labor, and self-denial. Often it costs disease, and the premature death of generations. What, then, can any one afford to give for wild land? He can only afford to give a remuneration for the survey which

[1] Seybert, 354.

secures him a definite description and identification of the land which he has appropriated, and for the authority of a civil government which protects his title. If, then, the purchaser does not occupy and till, he looks to the demand for land, which will advance as the country fills up with population, to give him a profit on his outlay. He has appropriated part of a natural monopoly, and advancing demand will give him profit. In the mean time interest and taxes are running against him. Hence it has happened again and again that land speculators have been ruined in financial revulsions. If the purchaser occupies and tills the land, he is putting capital into it all the time, and he and his neighbors, as they build up a commonwealth, gain incidentally by the monopoly principle, and by coöperation. Any holder who seeks only the monopoly profit on raw land is working against himself, unless he can divide his possessions, and sell part and withhold part in a judicious adjustment. Then, however, a great capital and a long time are necessary. The federal government was in this last position. Its lands, therefore, were not a source of income or a valuable possession to it. Down to September 30, 1832, the lands had cost $49.7 million, and the total revenue received from them had amounted to $38.3 million.

Various plans for dealing with the lands had been proposed previous to Jackson's accession. One was that the States should seize the lands by virtue of their "sovereignty." This short and easy method recommended itself to the politicians of the emphatic and metaphysical school. It meant simply that the first settlers should buy some land, organize a State, and get "sovereignty," and then take possession of the rest of the land within

the civil jurisdiction. Another plan was to sell to the States at a nominal price. Another: to sell all the land at graduated prices, for what it would bring. Another: to give the land to actual settlers (since realized in the homestead law). Another: to use the lands as a fund for internal improvements and education (since realized in the railroad subsidies and agricultural college land grants). It is plain that if the federal government buys territory by treaties like those of Louisiana and Florida, and surveys the lands, and maintains civil institutions over all the territory, and then gives the lands away, what it gives is the outlay necessary to bring the land to the point where a civilized man can begin to use it. Of course the new States wanted population, and were eager that the federal government should encourage immigration by making this outlay and giving away the product of it.

The old States, especially the tariff States, then saw distinctly the relation of the lands to the tariff. Everything which enhanced the attractiveness of the land and made it easier to get at it was just so much force drawing the man who had no land and no capital away from the old States and out of the wages class. Every improvement in transportation; every abolition of taxes and restrictions like the corn laws, which kept American agricultural products out of England; every reduction in the price of land, increased the chances of the man who had nothing to become by industry and economy an independent land-owner. The capitalist employer in the old States was forced to offset this attractiveness of the land by raising wages. This of course is the reason why wages in the United States are high, and why no wages class has ever yet been distinctly differentiated

here. It might justly be argued that it was improper for the federal government to raise funds by taxation on the old States, and expend them in buying, surveying, and policing wild land, and then to give the land away to either "the poor" or the rich; but the protectionists distinctly faced the issue which was raised for their pet dogma, and demanded that the lands should not be surveyed and sold abundantly and cheaply, but should be kept out of the market. The effect of this would be to prevent the population from spreading thinly over the whole continent, to make it dense in the old States, to raise the value and rent of land there, to produce a class dependent on wages, *i. e.*, a supply of labor, and to keep wages down. At the same time all the taxes on clothing, furniture, and tools would reduce the net return of the agriculturist and lower the attractiveness of the land. Lower wages would then suffice to hold the laborer in the East. These two lines of legislation would therefore be consistent and support each other; but they were sorely unjust to the man who had nothing save his stout hands with which to fight the battle of life and his good-will to work.

The free-trade States of the South and the free-land States of the West, therefore, fell most naturally into the "coalition" which the tariff men and national republicans denounced. The latter said that the Southerners had agreed to surrender the lands to the West as a price for the assistance of the West against the Eastern States and the tariff.[1] The sudden and unaccountable popularity of Jackson in rural Pennsylvania threw that State, in spite of the tariff interests of her capitalists, into the combination to which Jackson belonged sectionally,

[1] 9 Adams, 235.

and the ambitious politicians of New York, seeing the need of joining Jackson, brought as much as they could of that State to his support. These combinations constituted the Jackson party, in regard to the incoherency of whose elements something has been said and more will appear. Clay was operating his political career through tariff and internal improvements, with the lands as a fund for colonization, canals, roads, and education. This gave him no strength in the West, and he could not break Jackson's phalanx in Pennsylvania, where his own policy should have made him strong. Hence he never could consolidate a party. Benton antagonized Clay in the West by taking up the policy of free lands.

In 1827 Rush, Secretary of the Treasury, included in his annual report a long dissertation on lands, tariff, and internal improvements. He sees and states distinctly and correctly the relation between free land and free trade, restricted land sales and protection.[1] He makes an argument out of it for protection and for not selling the lands cheaply, although he does not venture positively to urge the latter. He lays down the dogma that "the creation of capital is retarded by the diffusion of a thin population over a great surface of soil," — a dogma which is the very opposite of the truth. He also declares that the price at which the lands were being sold was an encouragement by legislation to agriculture, which is not true, and would not be true unless the lands were sold for less than the cost of buying, surveying, and policing. The figures above given show that the lands had been sold as nearly as possible at cost price. Leaving out these errors, his recognition of the economic relations and their effects is correct; yet they

[1] 33 Niles, 250.

seem to him to sustain an argument for restriction on trade and restriction on the sales of land, and he distinctly favors the plan of making it hard for the non-capitalist to get upon the land, in order that the non-capitalist may be kept in the old States, and may be more willing to work there for wages. One thing, at least, must be admitted to the credit of the statesmen of that day who believed in the restrictive system. They did not give away the lands by a homestead law, and distribute them to railroads which were to render the new land easily accessible, while they laid restrictions on imports to encourage manufacturing, and they did not propose to pay subsidies to ships for bringing goods in, while they were laying duties to keep goods out. Their system was vicious, but the abuse was perpetrated only once; it was not multiplied into itself three or four times. It was based on an error, but the error was at least logical and consistent with itself.

In January and February, 1829, Illinois and Indiana adopted resolutions questioning the right of the federal government to the lands in those States. They did not adopt the Georgia tone, but they seemed disposed to adopt the Georgia policy in case of a disagreement with the federal government.

Jackson had no settled policy in regard to land. In his first message he favored distribution of the surplus revenue among the States, so soon as the debt should be paid.

December 29, 1829, Foot, of Connecticut, offered in the Senate a resolution that the Committee on Public Lands should inquire into the expediency of restricting sales of land to lands not yet sold at the minimum price, *i. e.*, within the areas which up to that time had been

put upon the market. It was in the debate on this resolution that Webster and Hayne became involved in their famous argument on the theory of the confederation. Benton introduced a bill for selling the lands at graduated prices, so that those remaining unsold at $1.25 should not be reserved, but sold at lower prices, after they had been three years on the market. The Senate passed this bill May 7, 1830. It was not acted on in the House.

In January, 1831, the subject came up again in the House, on an appropriation for surveys,[1] and produced a long debate, in which all the views of the question were represented. In his annual report for 1831, McLane, Secretary of the Treasury, proposed that the lands should be sold to the States in which they lay at a fair price, and that the sum thus obtained should be divided amongst the States. March 22, 1832, Bibb moved,[2] in the Senate, that the Committee on Manufactures should report, as a preliminary to the consideration of the tariff, on the expediency of reducing the price of the lands, and also on the expediency of surrendering the lands to the States. Clay reported from that committee against both propositions, and in favor of giving ten per cent of the proceeds of the lands to the new States, in addition to what they were already entitled to, and dividing the residue among all the States. Clay's report was referred to the Committee on Public Lands, which reported, May 18th, adversely to his propositions, and recommended a minimum price of $1.00; lands remaining unsold at that price for five years to be then sold for fifty cents; fifteen per cent of the proceeds to be divided amongst the new States. No action was taken

[1] 6 *Ann. Reg.* 81. [2] 7 *Ann. Reg.* 57.

on account of the disagreement of the two Houses, but the administration, by its attitude on the land question, gained strength in the Western States for the presidential election of 1832.

IV. *Internal improvements.* In 1802 appropriations were made for a road to the northwestern territory. In 1807 Gallatin made an elaborate report on public works, laying down doctrines which no one would dispute about the advantage of public highways and means of transportation. The Jeffersonians were timid on the point of constitutionality, but they did not raise the question of expediency, and there was no party question about internal improvements. By the act of May 11, 1812, provision was made for the survey of a road from Robinstown, Maine, to St. Mary's, Georgia. This was a north and south road, proposed, in the interest of justice, to offset the Cumberland road from east to west. The vice of the policy, therefore, presented itself at once. It was impossible to select only the enterprises which were of a national character, and were really demanded by public necessity and convenience. Local jealousy and self-interest demanded "equal" favor, and the enterprises were either all impossible, or could be carried out only by log-rolling to include them all.

February 16, 1816, Calhoun moved for a committee to inquire into the expediency of setting apart the bonus and profits from the Bank of the United States as a fund for internal improvements. At the next session a bill to that effect was passed. Madison vetoed it, because the federal government had not the power to engage in such enterprises. Monroe declared, in his first message, that he held the same views as Mad-

ison on this subject.[1] In 1817 the subject of internal improvements was much agitated, but without action, on account of Monroe's well-known views on the subject. Popular opinions were strong to the effect that all government expenditures were a boon or favor which the government ought to distribute equally, and it was very common to hear a congressman complain that the federal government derived more revenue from his district than the sums expended there. Congressmen were also beginning to find out how the public expenditures could be used to make capital for themselves. May 4, 1822, Monroe vetoed a bill for collecting tolls on the Cumberland road, and keeping it in repair. In this veto message he discussed the whole subject of internal improvements. He admitted that expenditures for that purpose were advantageous and proper, if the enterprises were national in character; but he objected to them strenuously when they were local and special, and he thought that Congress had no constitutional power to carry them out in either case.

By the act of April 30, 1824, $30,000 were appropriated as an annual appropriation for surveys, to be made by the board of engineers, of such roads, canals, and river improvements as the President might designate. The theory of this act was that the engineers might be advantageously employed, in time of peace, in finding out what works were practicable and likely to be worth executing. In the session of 1827–28 the whole subject came up again on a question of passing the annual appropriation of $30,000. The question of internal improvements then first took on a party character, and party exigency forced not a few men on either side to

[1] 6 *Ann. Reg.* 68.

change their opinions. Crawford alone of the candidates in 1824 had been understood to be a strict constructionist. Calhoun had favored improvements. Clay was not, at this time, earnestly in favor of them.[1] The opposition assailed the policy as unconstitutional, and some of the finest pettifogging of the political scholastics and casuists was done on this question. Little was said about the expediency of the policy. Oakley, of New York, in the House, March 1, 1828, declared that under the act of 1824 the President had been exposed to a constant assault from Governors, members of Congress, Legislatures, mayors, and corporations, to cause the surveys for local and private enterprises to be made at the expense of the United States. The opposition did not dare to oppose directly all projects under the vicious system. Their proposition was to distribute funds for internal improvements to the States. The appropriation, in 1828, was finally carried, with a proviso that the surveys were to be made only for works of a national character.

Jackson, in his first message, indicated hostility to the general policy of internal improvements, and favored distribution.[2] May 27, 1830, he vetoed a bill for subscription, by the United States, to the stock of the Maysville and Lexington road.[3] In his veto message he placed himself on the constitutional doctrine of Madison and Monroe. The local and political interests which had become involved in the system at this time were very numerous and very strong. The evil of special

[1] 7 Adams, 191.

[2] See page 189.

[3] This road was to run through the strongest Jackson district in Kentucky. (Clay to Webster: 1 Webster's *Correspondence*, 501.)

legislation was growing. Politicians and interested speculators combined to further each other's interests at the public expense. Jackson affronted the whole interest; one would say that he affronted it boldly, if it were not that he acted with such spontaneous will and disregard of consequences that there was no conscious exercise of courage. He was not able to put an end to the abuse, but he curtailed it. He used the exceptional strength of his political position to do what no one else would have dared to do in meeting a strong and growing cause of corruption. He held a bill for the Louisville canal, and another for light-houses, over the session, and then returned them unsigned. At the session of 1830–31 a bill for improvements was passed by such majorities that a veto was useless. In 1831–32 Jackson signed one such bill and "pocketed" another. In the session of 1832–33 an internal improvement bill was defeated by parliamentary tactics. In the message of 1832 Jackson recommended the sale of all the stocks held by the United States in canals, turnpikes, etc. He educated his party, for that generation at least, up to a position of party hostility to special legislation of every kind.

V. *Tariff.* The "American system" is an elastic designation, which can be applied to win a presumption in favor of whatever one desires to recommend. In our history it has changed its meaning in every generation. As above stated,[1] the United States, between the second war and 1830, did not favor treaties of commerce. The policy of treaties of commerce was European. Its theory was that, all nations having restrictions on trade and regarding them as wise, one nation should break

[1] See page 168.

down its restrictions to a specified degree and for a specified counter-relaxation, in favor of another nation with which it might make a commercial treaty. The favors and relaxations granted were therefore special and individual, and the relations of trade between nations were the result of all the special and peculiar relaxations which had been made, starting from a theory of isolation and prohibition. The United States, from the first independent acts performed by it as a nation with any other nation, the commercial treaty and treaty of alliance with France in 1778, adopted a different policy. It started not from an hypothetical situation of prohibition and isolation, but from an hypothesis of perfect freedom. It tried to get into the commercial relations of Europe, but it would not grant any special privileges. Its doctrine was that each nation, while rendering trade as free as possible, should be governed in its fiscal arrangements by its own needs, circumstances, and good judgment, but that, once having adopted its system, it should present a uniform front to foreign nations. This was the "American system" in the first generation. In the second generation the difficulty of combining an independent fiscal system with commercial treaties led to a prejudice against the latter, and they were sought almost exclusively for the sake of receiving reciprocity as to ships and the carrying trade. Then the "American system" underwent a change. "Reciprocity" did not mean mutual relaxation and concession, but retaliation. The United States departed from the uniformity and independence of its fiscal system to countervail and resent what it considered discrimination against itself. There was no case in which any nation placed on products of the United States a

heavier tax than was laid on the same products from any other country, save in the case of colonies; but the discrimination complained of lay in the selection for taxation of those commodities which the United States produced, as a means of protecting the same commodities when produced in the taxing countries. It was urged that the American system required that the United States should protect the production at home of products similar to those which were produced by the country which taxed the products of the United States. Hence the American system then meant retaliation to force a foreign nation to break down its protective system, — just the policy advocated by the newest school of "reciprocitarians" and "fair traders" in England. Retaliation always amounts to just this: Inasmuch as the other party has cut himself off, by his protective taxes, from the share which he might have had, through trade, in our natural advantages, incidentally narrowing the market for our products, and so injuring us, therefore let us now, in addition, cut ourselves off, by protective taxes, from the share which we might obtain, through trade, in his natural advantages, for the sake of incidentally narrowing the market for his products, and so injuring him. When the scale of operations is small enough for the effects to be perceived, retaliation will generally accomplish its object; for it is no satisfaction to us, in the long run, when we are suffering from harm done us by somebody, to know that he is hurting himself more; but when the scale of operations is large, retaliation is powerless, because the effects of it then pass under that great class of things, — the despair of the reformers and social philosophers, — the things which people do not see.

In 1817 an act was passed to retaliate for certain restrictions laid by Nova Scotia and New Brunswick on New England ships engaged in the plaster trade. Here the scale of operations was small and the effects were immediate and evident. The provinces repealed their restrictions. This instance greatly stimulated faith in the policy of "countervailing." It was referred to as a demonstration of the power of that policy.[1] The application of it to the West India trade has been noticed.

We have already briefly described the tariff of 1824.[2] In anticipation of the passage of that act large quantities of woollen goods were imported. In that and the preceding year manufacturing in England had been very active, under a pressure of flush times, and in the expectation of a good market in the South American states, which had just won their independence. The expectations were disappointed. On the mania followed the crisis and panic in 1825. Then large stocks were thrown on this market and sacrificed for a quick return. In 1825 Huskisson brought forward the first reforms in the system of taxation. His propositions, viewed from to-day's stand-point, seem beggarly enough, but at that time they seemed revolutionary. He reduced taxes on raw materials, chemicals, dye-stuffs, and materials of industry. Raw wool was reduced from sixpence to a penny and a half penny per pound, according to quality. After the tariff of 1824 was passed by Congress, the English woollen producers imported some of their cloths into this country in an unfinished state, in order to get them in below the minimum (33⅓ cents), and then had them finished here. They also sent agents to this country, to whom they invoiced their cloths below the open market price.

[1] 5 Adams, 41.

[2] See page 76.

Every one of the above statements, as will be seen, introduces a fact which affected the relations of the American woollen industry in its competition with the English woollen industry in a way to counteract any protection by the tariff. A number of persons had begun the manufacture of woollens because the federal legislation encouraged them so to do, not because they understood that business, or had examined the industrial conditions of success in it. They were pleased to consider Huskisson's legislation as hostile to the United States, and they called for measures to countervail it. They also construed as fraud the importation of unfinished cloths and the practice of invoicing to agents at manufacturer's cost. The "American system" therefore underwent another transformation. It now meant to countervail and offset any foreign legislation, even in the direction of freedom and reform or advance in civilization, if that legislation favored the American consumer.

The first complaint came from the old free-trade section. After 1824 the New England States, which up to that time had been commercial States, turned to manufactures. They had resisted all the earlier tariffs. They would have been obliged to begin manufacturing, tariff or no tariff, on account of the growing density of the population; but there was force in Webster's assertion, in reply to Hayne, that New England, after protesting against the tariff as long as she could, had conformed to a policy forced upon the country by others, and had embarked her capital in manufacturing.[1] October 23, 1826, the Boston woollen manufacturers petitioned Congress for more protection.[2] They said that they had been led, by the profits of the English woollen industry in

[1] 3 Webster's Works, 305. [2] 31 Niles, 145.

1824 and the tariff of 1824, to begin manufacturing woollens, confident that they should not yield to fair competition, and that such competition would be secured to them by law. They went on to say that the English woollen manufacturers had glutted the market in England, and produced distress there, which had reacted on this country. They said that they could not be relieved "without the aid of their national government."

This appeal of the woollen manufacturers brought out new demands from other quarters. Especially the wool-growers came forward. They had not gained anything by the tariff. A few shrewd men, who took to breeding sheep and who sold out their flocks to the farmers (who were eager buyers, because they were sure, since they had a protective tax in their favor, that they were to make fortunes out of wool), won by the tariff. No one else did. It is stated that the woollen manufacturers did not dare to ask for higher duties in 1824, because they feared that the wool-growers would only demand so much more.[1] They thought that their want of success was due to want of experience and skill, and they looked to make improvements. In fact, the tax on wool was raised, in 1824, more than that on woollens.

By the tariff of 1816 the tax on cottons was fixed for three years at 25 per cent; after that at 20 per cent. This was a direct application of the theory that a protective tax is good to set up an industry, and that it may then be lowered or removed. The device of the minimum was introduced, however, and all cottons, except nankeens, which cost less than 25 cents per square yard, were to be held to have cost 25 cents. By this device the tax on the lowest grades was made greatly higher

[1] 2 *Ann. Reg.* 102.

than it seemed to be. For the same three years woollens were to be taxed 25 per cent; after that, 20 per cent. In 1824 the tax on cottons was put back to 25 per cent, and woollens were raised to 25 per cent if worth not above 33⅓ cents per square yard, and 30 per cent or 33⅓ per cent if of greater value. Wool, which was free in 1816, was graded at 15 per cent, 20 per cent, and 30 per cent, in 1824.

January 10, 1827, Mallary, of Vermont, introduced the "woollens bill," for "adjusting" the tariff on wool and woollens.[1] Niles had taken up the high tariff doctrine ten years before, and had preached it in his "Register" assiduously. His economic notions were meagre and erroneous throughout, and he had absolutely no training. He had no doubt, however, that he was inculcating the rules of prosperity and wise government. He unquestionably exerted a great influence; for he never tired of his labored prescriptions for "giving a circulation to money," and "encouraging industry." He took up the cause of the woollen men with his whole heart. Of his sincerity and disinterestedness there can be no question. To him and the economists and statesmen of his school the minimum seemed to be a marvellous invention. Mallary proposed to use it to the utmost. He proposed to leave the rates of tax unchanged, but to apply them on and between minima of 40 cents, $2.50, and $4.00. Cloth, therefore, which cost 41 cents was to be held to have cost $2.50, and the tax on it was to be 62½ cents. Wool which cost over 10 cents was to be held to have cost 40 cents. The duty on it was to be 35 per cent for a year; then 40 per cent. The principle now proposed was, therefore, that the duties should *advance* with time.

[1] 31 Niles, 319.

The woollens bill passed the House, 106 to 95. It was tabled in the Senate by the casting vote of Calhoun. Calhoun was forced into this vote by a manœuvre of Van Buren, who "dodged." Calhoun suffered, in consequence, in Pennsylvania and New York. Politics ran very high on this bill. In fact, they quite superseded all the economic interests.[1] The opposition were afraid of offending either the Pennsylvania supporters of Jackson, or the Southern supporters of Jackson. Passion began now to enter into tariff discussion, not only on the part of the Southerners, but also between the wool men and the woollen men, each of whom thought the other grasping, and that each was to be defeated in his purpose by the other. Niles said that it was more a wool bill than a woollens bill, and the woollen men were much dissatisfied with it.

May 14, 1827, the Pennsylvania Society for the Promotion of Manufactures and the Mechanic Arts called a convention of wool growers and manufacturers. The convention met at Harrisburg, July 30, 1827. It was found necessary to enlarge the scope of the convention in order to make allies of interests which would otherwise become hostile. The convention went on the plan of favoring protection on everything which asked for it. The result was that iron, steel, glass, wool, woollens, hemp, and flax were recommended for protection. Louisiana was not represented, and so sugar was left out. It was voted to discourage the importation of foreign spirits and the distillation of spirits from foreign products, by way of protection to Western whiskey. The convention proposed, as its idea of a reasonable and proper tax on wool and woollens, the following:[2] On

[1] 31 Niles, 321; 33 Niles, 385.

[2] 32 Niles, 388.

wool which cost 8 cents or less per pound, 20 cents per pound and an advance of $2\frac{1}{2}$ cents per pound per annum until it should be 50 cents; on woollens, four minima were proposed, 50 cents, $2.50, $4.00, and $6.00, on which the tax was to be 40 per cent for a year, 45 per cent the next year, and 50 per cent thereafter. The minimum on cottons was to be raised to 40 cents.

When the 20th Congress met, the tariff was the absorbing question. Popular interest had become engaged in it and parties were to form on it, but it perplexed the politicians greatly. It was to this Congress at its opening that Rush sent the report described above.[1] Stevenson, of Virginia, an anti-tariff man, was chosen Speaker. Adams says that Stevenson won votes by promising to make a committee favorable to the tariff.[2] Stevenson put Mallary at the head of the committee, but he put an anti-tariff majority behind him. The "Annual Register"[3] stated the foreign trade of the country then as follows: Twenty-four million dollars' worth of cotton, rice, and tobacco were exported to England annually. Four million dollars' worth moro were exported to other countries. The imports from England were seven or eight millions' worth of woollens, about the same value of cottons, three or four millions' worth of iron, steel, and hardware, and miscellaneous articles, bringing the total up to twenty-eight millions. From this it was plain that the producers of bread-stuffs in the United States, who were kept out of England by the corn laws, were forced to take their products to the West Indies and South America, and

[1] See page 188.

[2] 7 Adams, 369.

[3] 3 *Ann. Reg.* 37.

exchange them there for four millions' worth of colonial produce, which England would receive, in order to balance the account. The editor of the "Annual Register" built upon this fact his argument for protection as a retaliation to break down the English corn laws. He saw that the Southern staple products must be the fulcrum for the lever by which the English restrictions were to be broken. He offered the Southerners a certain consolation in the hope that there would be a larger consumption of their staples at home, but really concluded that, as between interests, the grain interest of the North and West was worth more than the interests of the South. It is not strange if this mode of reasoning was not relished in the South.[1]

Mallary stated in debate that the consumption of woollens in the United States was then seventy-two million dollars per annum, of which ten millions' worth were imported, twenty-two millions' worth were manufactured in the United States, and forty millions' worth were produced by household spinning and weaving ("domestic industry," as the term was then used). If these statistics are worth anything, the twelve millions of population consumed, on an average, six dollars' worth of woollens per head per annum. What Mallary proposed to do was to prevent the ten millions' worth from being imported. To do this he would increase the cost of the part imported and the part manufactured at home, the result of which would be that still a larger part of the population would have to be clothed in homespun. Thus his project might easily defeat itself, so far as it aimed to benefit the American manufacturer, and it would deprive the American people of the rest, leisure,

[1] See page 208.

and greater satisfaction, as well as abundance, which new machinery and the factory system were winning out of the textile industries, as compared with the old household spinning and weaving.

The Committee on Manufactures of the House had been taking testimony on the tariff during the recess. The Southern free-traders had brought this about against the opposition of the Northern protectionists. There were only twenty-eight witnesses examined, of whom nine were voluntary and seven were members of Congress. The evidence amounted to nothing but complaints of hard times and losses.[1] The deduction that these facts were due to a lack of sufficient tariff was taken for granted.[2]

Silas Wright and other anti-tariff men on the Committee on Manufactures would not let Mallary report the propositions of the Harrisburg convention on wool and woollens.[3] Mallary tried to introduce those propositions as amendments on the floor of the House. All the interests, industrial and political, pounced upon the bill to try to amend it to their notions. New England and the Adams men wanted high duties on woollens and cottons, and low duties on wool, iron, hemp, salt, and molasses (the raw material of rum). Pennsylvania, Ohio, and Kentucky wanted high taxes on iron, wool, hemp, molasses (protection to whiskey), and low taxes

1 34 Niles, 1.

2 As a specimen of the value of such complaints: In April, 1828, Niles said that there was dullness in trade and great distress at Baltimore. (34 Niles, 139.) In October he said that he had not been through parts of the city for a long time, and that on a recent walk he had been astonished at the signs of prosperity. (35 Niles, 81.)

3 Hammond's *Wright*, 104.

on woollens and cottons. The Southerners wanted low taxes on everything, but especially on finished goods, and if there were to be heavy taxes on these latter they did not care how heavy the taxes on the raw materials were made. This last point and the unswerving loyalty of rural Pennsylvania to Jackson enabled the Jackson party to hold together its discordant elements. The political and economic alliances of the South were plainly inconsistent.[1]

The act which resulted from the scramble of selfish special interests was an economic monstrosity. The industrial interests of twelve millions of people had been thrown into an arena where there was little knowledge of economic principles, and no information about the industrial state of the country, or about the special industries. It being assumed that the Legislature could, would, and was about to, confer favors and advantages, there was a scramble to see who should get the most. At the same time party ambitions and strifes seized upon the industrial interests as capital for President-making. May 19, 1828, the bill became a law. The duty on wool costing less than 10 cents per pound was 15 per cent, on other wool 20 per cent and 30 per cent. That on woollens was 40 per cent for a year, then 45 per cent, there being four minima, 50 cents, $1.00, $2.50, $4.00. All which cost over $4.00 were to be taxed 45 per cent for a year, then 50 per cent. Niles and all the woollen men were enraged at this arrangement. No South Carolinian was more discontented than they. The "dollar minimum" was the especial cause of their rage. Cloth which cost 51 cents they wanted to regard as costing $2.50, and to tax it 40 per

[1] See page 211.

cent on that, *i. e.*, $1.00. The dollar minimum let in a large class of cloths which cost from $1.00 to $1.25, and which could be run down to cost from 90 to 99 cents.

The process of rolling iron had not yet been introduced into this country. It was argued that rolled iron was not as good as forged, and this was made the ground for raising the tax on rolled iron from $30.00 to $37.00 per ton, while the tax on forged iron was raised from $18.00 to $22.40. Rolled iron was cheaper, and was available for a great number of uses. The tax, in this case, "countervailed" an improvement in the arts, and robbed the American people of their share in the advantage of a new industrial achievement. The tax on steel was raised from $20.00 to $30.00 per ton; that on hemp from $35.00 to $45.00 per ton; that on molasses from 5 cents to 10 cents per gallon; that on flax from nothing to $35.00 per ton. The tax on sugar, salt, and glass remained unchanged, and that on tea also, save by a differential tonnage duty. Coffee was classified and the tax reduced. The tax on wine, by a separate act, was reduced one half or more.[1]

This was the "tariff of abominations," so called on account of the number of especially monstrous provisions which it contained. In the course of the debate on it the dogma was freely used that protective taxes lower prices, and the exclusion of American grain by the English corn laws was a constantly effective argument. Credit varying from nine to eighteen months was allowed under this as under the previous tariffs.

[1] See page 343.

CHAPTER X.

PUBLIC QUESTIONS OF JACKSON'S FIRST ADMINISTRATION. — III.

VI. *Nullification.* The Southerners bitterly denounced the tariff of 1828. They had already begun to complain of the operation of the system four or five years before. To understand their complaint, it is enough to notice with what reckless extravagance the tariff theory, even if its truth were admitted, was being handled in 1828. Of course the public argument in favor of the tariff necessarily took the form of assertions that, by some occult process or other, the taxation proposed would be beneficent to all, and that the protective theory was a theory of national wealth. The Southerners were sure that they paid the expenses of the experiment, and they ventured the inference that those who were so eager for the tariff saw their profit in it; but when the attempt was made to find any compensation to the nation or to the South, no such thing could be found. Up to that point there was the plain fact of capital expended and capital gained; at that point all turned into dogma and declamation.

March 12, 1828, McDuffie, of South Carolina, presented a report from the Committee on Ways and Means [1] against the tariff. He enumerated the varieties of woollens used by the people, and showed the operation

[1] 34 Niles, 81.

of the minima upon each. He then went on to discuss the economic doctrines and the theory of protection as a mode of increasing the wealth of the country, and more especially the effect of the proposed taxes on the agricultural and exporting sections. The facts and doctrines stated by him were unanswerable, but they did not touch either the political motives or the interested pecuniary motives which were really pushing the tariff. He had all the right and all the reason, but not the power. The agricultural States were forced, under the tariff, either to export their products, exchange them for foreign products, and pay taxes on these latter to the federal treasury before they could bring them home, or else to exchange their products with the Northern manufacturers for manufactured products, and to pay taxes to the latter in the price of the goods. All the mysteries of exchange, banking, and brokerage might obscure, they never could alter, these actual economic relations of fact. When the Southerners were put off with the glib commonplace reply to their remonstrance that they would sell more cotton to the North, they were doubly exasperated. If the South, under free trade, produced 100 bales of cotton, of which it exported 75 bales for $3,750 and sold 25 bales to the North for $1,250, it got $5,000 for 100 bales. If a ten per cent tax was laid on manufactures, and if that tax availed, as argued, to cause only 60 bales to be exported and 40 to be sold at the North, then the 60 exported, at the same price as before, would bring $3,000 worth of manufactured goods, on which ten per cent must be paid to get them home; net $2,700. The 40 bales sold at the North would bring $2,000, at the same price as before, but goods bought with this $2,000 would be enhanced

in price ten per cent by the protection, and, as compared with former returns, the goods now obtained would be worth $1,800. The South would therefore have obtained for 100 bales $4,500 worth of products at the old free-trade prices. Therefore the difference in the distribution of the product could make no difference at all in the facts of profit and the incidence of the tax, and at the end of the calculation the intricate device came to nothing but an imposition of ten per cent tax on the agricultural products of the country.

The protectionists always affected to deride the Southern declaration that the tax fell on the South. The popular notion was that the tariff tax bore on the foreigner in some way or other, and helped the domestic producer to a victory over the foreigner. Since the object of the tariff was to prevent importations of foreign goods, it would, if it succeeded, make the foreigner stay at home, and keep his goods there. This of course deprived him of a certain demand for his goods, and prevented him from reaching a gain which, under other conditions, he might have won, but it could not possibly render him or his capital in any way available for "encouraging American manufactures." The American consumer of American products is the only person whom American laws could reach in order to make him contribute capital to build up American industry. So far, then, as the American protected industries were concerned, they preyed upon each other with such results of net gain and loss as chance and stupidity might bring about. So far as American non-protected industries were concerned, they, being the naturally strong and independent industries of the country, sustained the whole body of protected industries, which were simply parasites upon them. The

protective theory, as a theory of wealth, therefore proposed to organize national industry as an independent body with a parasite upon it, while the free-trade theory proposed to let industry organize itself as so many independent and vigorous bodies as the labor, capital, and land of the country could support.

The grievance of the South in 1828 is undeniable. So long as the exports of the country were almost exclusively Southern products — cotton and tobacco — and so long as the federal revenue was almost entirely derived from duties on imports, it is certain that the Southern industries either supported the federal government or paid tribute to the Northern manufacturers. The Southerners could not even get a hearing or patient and proper study of the economic questions at issue. Their interests were being sacrificed to pretended national interests, just as, under the embargo, the interests of New England were sacrificed to national interests. In each case the party which considered its interests sacrificed came to regard the Union only as a cage, in which all were held in order that the stronger combination might plunder the weaker. No amount of precept or emphasis can make the Union, which is the paramount civil interest of the American people, strong and permanent, if any section or party in it has reason to believe that its interests are sacrificed in the Union; and the Union never can be secure unless there is a disposition in the predominant majority at any time to listen with patience to any remonstrance, and to exercise power with moderation and justice.

The more thoroughly the economist and political philosopher recognizes the grievance of the Southerners in 1828, the more he must regret the unwisdom of the

Southern proceedings. The opponents of the tariff of 1828 adopted the policy of voting in favor of all the "abominations" on points of detail, in the hope that they could so weight down the bill that it would at last fail as a whole.[1] Hence those Southerners who supported Jackson voted with the Pennsylvania and New York high-tariff men for all the worst features of the bill, while New England and the Adams men, who started as high-tariff men, voted on the other side. The Southern Jackson men wanted to give way sufficiently on the tariff to secure one or two doubtful States. For instance, they were willing to protect whiskey and hemp to win Kentucky from Clay to Jackson. They were, in fact, playing a game which was far too delicate, between their economic interests and their political party affiliations. They were caught at last. In the vote on the previous question in the House, the yeas were 110, of whom 11 were Adams men and 99 Jackson men; the nays were 91, of whom 80 were Adams men and 11 Jackson men. The nays were those who wanted a tariff, but who wanted to amend the bill before them a great deal more before they passed it; that is, they wanted to take out the abominations which the anti-tariff men had voted into it. On the final passage of the bill, the yeas were 105, of whom 61 were Adams men and 44 Jackson men; the nays were 94, of whom 35 were Adams men and 59 were Jackson men. Of the yeas only 3 were from south of the Potomac. The policy of the Southern free-traders, like most attempts at legislative finesse, proved an entire failure. The high-tariff men, although every man had intense objection to something in the bill, voted for it rather than

[1] 35 Niles, 52.

defeat the bill entirely. The New England men did not know how to vote. In the end 23 of them voted against the bill and 16 for it.[1] The bill passed the Senate, 26 to 21. Webster did not know on May 7th how he should vote.[2] He voted for it, and then went home and defended the vote on the ground that he had to take the good and evil of the measure together.[3] After all, the tariff made no capital for anybody. The protectionists by threatening both parties forced both to concede the tariff, after which the protectionists voted with either party, according to their preferences, just as they would have done if both had resisted instead of both yielding.

Van Buren obtained "instructions" from Albany to vote for the tariff, in order to be able to do so without offending the Southerners.[4] Calhoun declared, in a speech in the Senate, February 23, 1837, that Van Buren was to blame for the tariff of 1828.[5]

The South had already begun to discuss remedies before the tariff of 1828 was passed. Colonel Hamilton, of South Carolina, at a public dinner in the autumn of 1827, proposed "nullification" as a remedy, the term being borrowed from the Virginia and Kentucky resolutions of 1798. Those resolutions now came to have for a certain party in the South the character and authority of an addendum to the Constitution. They

[1] 35 Niles, 52. [2] 7 Adams, 534.

[3] 1 Webster's Works, 165.

[4] Mackeinzie, 103; Hammond's *Wright*, 105.

[5] Green's *Telegraph Extra*, 271, says Adams wanted to veto the tariff of 1828, and throw himself on the South, uniting with Calhoun, but that Clay would not let him do so, because that would ruin him and the American system. This is a very doubtful story.

were, in truth, only the manifesto of a rancorous opposition, and they belong, in the history of the country, in the same box of curious products of political passion with the resolutions of the Hartford convention. Yet, at that time, to call a man a "federalist" would have been a graver insult throughout the South than it would be now, in the North, to call a man a secessionist.

An examination of the resolutions of 1798, as they were adopted, will fail to find nullification in them. The resolutions, with a number of other most interesting documents connected therewith, are given by Niles in a supplement to his 43d volume. By examination of these it appears that Jefferson's original draft of the Kentucky resolutions contained, in the eighth resolution, these words: "Where powers are assumed which have not been delegated, a nullification of the act is the right remedy." The Legislature of Kentucky cut out this and nearly all the rest of the eighth resolution. The executory resolution, as drawn by Jefferson, ended thus: "The co-States [he means those States which adopt these resolutions] . . . will concur in declaring these acts [the alien and sedition laws] void and of no force, and will each take measures of its own for providing that neither of these acts . . . shall be exercised within their respective territories." The Legislature struck this out, and adopted, as the executory resolution: "The co-States . . . will concur in declaring these [acts] void and of no force, and will each unite with this commonwealth in requesting their repeal at the next session of Congress." Some of the other States responded to these resolutions, and in 1799 Kentucky passed a resolution in which occurs this statement: "A nullification by those sovereignties of all unauthorized acts done under color

of that instrument [the Constitution] is the rightful remedy." Madison's Virginia resolutions do not contain nullification either in form or substance, least of all as a practical remedy. They declare the alien and sedition acts unconstitutional, and that "the necessary and proper measures will be taken by each [of the concurring States] for coöperating with this State" to preserve the reserved rights of the States and people. In 1799 Madison made a long report to the Virginia House of Delegates, in which he analyzed and defended the resolutions of 1798, and especially defended the remedy proposed, namely, a solemn resolution and protest, communicated to the other States. He construed this remedy strictly. In May, 1830, Madison wrote to Livingston, approving of an anti-nullification speech made by him on March 15th of that year. He thus states the error of the nullifiers: "The error in the late comments on the Virginia proceedings has arisen from a failure to distinguish between what is declaratory of opinion and what is *ipso facto* executory; between the rights of the parties and of a single party; and between resorts within the purview of the Constitution and the *ultima ratio* which appeals from a Constitution cancelled by its abuses to original rights, paramount to all Constitutions." In 1830 Madison also wrote two long letters, one to Edward Everett, the other to Andrew Stevenson, in which he interprets the Virginia resolutions. He certainly softens them down somewhat, which is a proof that party heat influenced him when he wrote them. He lays especial stress on the limited and harmless nature of the proposed action of Virginia. His two letters are the best statement of "Madisonian federalism."

It is certain that the nullification of a federal law in a State, by a state authority, as a practical and available remedy against an offensive measure, found no sanction in 1798–99, except in the supplementary resolution of Kentucky, when the heat of the controversy favored an extreme position. It was a notion of Jefferson, in which Madison did not join, and which neither Legislature adopted, except as stated. Never until 1827 was any body of men found to take up the notion, and try to handle it as reasonable and practical. Nullification is jacobinism. It is revolution made a constant political means, and brought into the every-day business of civil life. Nothing is more astonishing in American political history than the immunity enjoyed by some men, and the unfair responsibility enforced against others. Every school-boy is taught to execrate the alien and sedition laws, and John Adams bears the odium of them, but no responsibility worth speaking of for nullification attaches to Jefferson. He was the father of it and the sponsor of it, and the authority of his name was what recommended it in 1827.

In December, 1827, the South Carolina Legislature raised a committee on the powers of the federal government in regard to tariff. In the winter of 1827–28 the Legislatures of several Southern States passed resolutions about protective tariff legislation. South Carolina had been a federal State in the previous generation. She had not been opposed to the federal government save in the matter of her "police bill." Georgia had been the turbulent State, — the one which had had the most frequent collisions with the federal government, and had behaved on those occasions with violence and folly. South Carolina in Monroe's time was latitudinarian and

anti-radical, and as such was opposed to Georgia.[1] South Carolina now declared the tariff, internal improvements, and appropriations for the colonization society unconstitutional. Georgia declared the tariff and internal improvements unconstitutional; declared that Georgia would not submit to the action of Congress, and affirmed the right of secession.[2] The old Crawford party, however, took sides against nullification, and prevented Georgia from ranging herself with South Carolina. At a meeting at Athens, August 6, 1828, presided over by Crawford, a committee, consisting of Wayne, Berrien, Cobb, Gilmer, Clayton, Troup, and others, reported an address and resolutions denouncing the tariff, but disclaiming all disunion sentiments or purposes, and favoring[3] constitutional remedies. In 1832 Crawford advocated a theory that secession was wrong until *after* a convention to amend the Constitution had been tried and proved a failure.[4] North Carolina protested, in 1828, against the new tariff, declaring that it violated the spirit of the Constitution and opposed the interests of that State. Alabama denied the constitutionality of the tariff, and denounced it as pillage of that State.

The proceedings of South Carolina did not remedy the matter at all. They altered the issue very much to the satisfaction of the protectionists. The Union and the supremacy of the law were something on which a much better fight could be made than on the tariff, and the protectionists, having secured the law, wanted nothing better than to draw away attention from the criticism of it by making the fight on nullification. Cal-

[1] 38 Niles, 154.
[2] 3 *Ann. Reg.* 64.
[3] 35 Niles, 14.
[4] 42 Niles, 389.

houn and the South Carolinians had changed the fighting from free trade to nullification, and on that they stood alone. They threw away a splendid chance to secure a sound policy on one of the first economic interests of the country. In the debate between Webster and Hayne the latter won a complete victory on tariff and land. Webster made the fighting on the constitutional question, and turned away from the other questions almost entirely. He had no standing ground on tariff and land. He was on record in his earliest speeches as an intelligent free-trader, and his biographer [1] has infinite and fruitless trouble to try to explain away the fact. When Hayne opened the constitutional question he gave Webster every chance of victory.

The action of Congress in passing the tariff of 1828, in spite of the attitude of the South, seemed to the Southerners to indicate an insolent disregard of their expostulations. Of course it was not a question to be settled by a majority. A remonstrance against injustice and wrong cannot be put down by any majority. There may be many answers to the remonstrance, or it may not be practicable to yield to it, but to disregard it and answer it by a heavier and more reckless imposition of the same kind is not good government, whether it be a democratic majority which levies a tariff, or a despot who levies a forced loan. The supporters of the tariff were forced to argue that it was a wise public and national policy, just as it might be argued that a state church or a state theatre is a beneficial public institution, which it is expedient to support by taxation; but the remonstrance of one man, paying only one dollar tax, who should say that he did not believe in these institu

[1] 1 Curtis's *Webster*, 207 fg.

tions, and did not want to contribute to their support, would at least be entitled to respectful consideration in any Legislature, and it would suffice to condemn, in the forum of political philosophy, the policy of supporting such institutions by taxation. In the winter of 1828–29 the South Carolina Legislature sent to the Senate an "Exposition and Protest" against the new law. Georgia wanted to nullify both Indian legislation and tariff. Virginia adopted the principle of nullification. North Carolina denounced the tariff, but nullification also. Alabama denounced the tariff, but recognized the right of Congress to levy revenue duties, with incidental protective effect. In 1829 Alabama went nearer to nullification. This was the high water mark of nullification outside of South Carolina. All these States were taunted, in answer to their remonstrances, with the votes of the Southern members on the details of the tariff of abominations.

Neither party could let the tariff rest. A high tariff is in a state of unstable equilibrium. If legislators could ever gain full and accurate knowledge of all the circumstances and relations of trade in their own country, and in all countries with which it trades; if they had sufficient wit to establish an artificial tax system which should just fit the complicated facts, and produce the results they want without doing any harm to anybody's interests; and if, furthermore, the circumstances and relations of trade would remain unchanged, it would be possible to make a permanent and stable tariff. Each of these conditions is as monstrously impossible as anything in economics can be. Hence constant new efforts are necessary, as well to suit those to whom the tariff does not yet bring what they expected from it as to

silence those who are oppressed by it. The persons whose interests were violated by the tariff of 1828 tried every means in their power to evade it. January 27, 1830, Mallary brought in a bill to render the custom house appraisal more stringent and effective. McDuffie responded with a proposition to reduce all taxes on woollens, cottons, iron, hemp, flax, molasses, and indigo to what they were before the tariff of 1824 was passed. The whole subject was reopened. McDuffie's bill was defeated, and Mallary's was passed. By separate bills the taxes on salt, molasses, coffee, cocoa, and tea were reduced.

In April, 1830, came Jackson's Union toast.[1] It was a great disappointment to the mass of the Southerners, who had been his ardent supporters, and who had hoped, from his action in regard to Georgia and the Indians, that he would let the powers of the federal government go by default in the case of the tariff also.[2] The personal element, which always had such strong influence with Jackson, had become more or less involved in the nullification struggle with which Calhoun was identified. The Georgia case involved only indirectly the authority and prestige of the federal government. The immediate parties in interest were the Indians. Nullification involved directly the power and prestige of the federal government, and he would certainly be a most exceptional person who, being President of the United States, would allow the government of which he was the head to be defied and insulted.

On the 22d of November, 1830, a bill for a state convention failed to get a two thirds vote in the South Carolina Legislature. An attempt was then made to

[1] See page 156.

[2] Hodgson, 166–7.

test the constitutionality of the tariff in the courts by refusing to pay duty bonds, and pleading "no consideration" for the taxes levied; but the United States District Court, in 1831, refused to hear evidence of "no consideration" drawn from the character of the tariff of 1828.[1]

June 14, 1831, Jackson wrote a letter to a committee of citizens of Charleston, in answer to an invitation to attend the celebration of the Fourth of July at that city, in which he indicated that a policy of force would be necessary and proper against nullification. The Governor of the State brought this letter to the notice of the Legislature, which adopted resolutions denouncing the act of the President in writing such a letter, and denying the lawfulness of the steps which he described. North Carolina now denounced nullification, but the other States as yet held back.

On the 5th of October, 1831, a free-trade convention met at Philadelphia. On the 26th of October a protectionist convention met at New York. Gallatin wrote the address published by the former. Of course it was all free trade, — no nullification. A. H. Everett wrote the address issued by the New York convention. The public debt was being paid off with great rapidity, and the need for revenue was all the time declining. The free-traders said: In that case, let us abolish the taxes, and not raise a revenue which we do not need. It will be an additional advantage that we can do away, without any complicated devices, with all the protective taxes which one citizen pays to another, and which take shelter under the revenue taxes. Let the people keep and use their own earnings. The protectionists wanted

[1] 7 *Ann. Reg.* 260.

to remove the taxes from all commodities the like of which were not produced here. They argued that, if the country was out of debt, it could afford to enter on great schemes of national development by government expenditure. They therefore proposed to keep up the taxes for protective purposes, and to spend the revenue (in which they regarded the revenue from land as a thing by itself) on internal improvements, pensions, French spoliation claims, etc. These were not yet strictly party positions, but in general the former was the administration policy and the latter the opposition policy.

The session of 1831–32 was full of tariff. A presidential election was again at hand. J. Q. Adams was put at the head of the Committee on Manufactures with an anti-tariff majority. McDuffie was chairman of the Committee on Ways and Means. January 19, 1832, the House instructed the Secretary of the Treasury to collect information about manufactures. A report was rendered in two large volumes in 1833, after the whole subject had been disposed of. Clay was nominated for President in December, 1831, and was preparing his policy and programme. A conference was held at Washington by his supporters, at which he presented his views, as it appears, in a somewhat dictatorial manner.[1] He wanted all the revenue taxes (on tea, coffee, wine, etc.) abolished. The protective taxes he wanted to make prohibitory, so as to stop revenue. He said that the duties on hemp were useless, as our dew-rotted hemp never could compete with the water-rotted hemp which was imported. He was willing to allow a drawback on all rigging exported. Dearborn said that the tax on hemp had closed every rope-walk in Boston. This was

[1] 8 Adams, 445.

rather hard, considering that the tax on hemp had been laid for the sake of Kentucky, and now the member from Kentucky and father of the "American system" said that protection to hemp was useless. Adams said that the House Committee on Manufactures would reduce the duties prospectively; that is, to take effect when the debt should be paid. Clay wanted to stop paying the debt in order to take away the administration "cry." Adams took sides with Jackson on the point of paying the debt. He thought public opinion favored that policy. He also thought Clay's programme would appear like defying the South. Clay said that he did not care whom he defied. "To preserve, maintain, and strengthen the American system he would defy the South, the President, and the Devil." We may say what we like of the nullifiers, but, so far as they met with and knew of this disposition on the part of Clay and his supporters, they would not have been free men if they had not resisted it; for it must not be forgotten that the real question at issue was whether their property should be taken away from them or not.

In the annual message for 1831 Jackson recommended that the tariff be amended so as to reduce revenue. February 8, 1832, McDuffie reported a bill making the taxes on iron, steel, sugar, salt, hemp, flour, woollens, cottons, and manufactures of iron twenty-five per cent for a year after June 30, 1832, then eighteen and three fourths per cent for a year, and then twelve and one half per cent for an indefinite period. All other goods which were taxed over twelve and one half per cent at the time of passing the bill were to be taxed twelve and one half per cent after June 30, 1832. April 27, 1832, the Secretary of the Treasury (Mc

Lane) presented a tariff bill in answer to a call by the House. It was planned to raise twelve millions of revenue. It was proposed to collect fifteen per cent on imports in general, with especial and higher rates on the great protected commodities. This was the administration plan. The House Committee on Manufactures reported a bill May 23d, which was taken up instead of the others. The battle reopened, and ranged over the whole field of politics and political economy. The act, as finally passed (July 14, 1832), reduced or abolished many of the revenue taxes. It did not materially alter the protective taxes. The tax on iron was reduced, that on cottons was unchanged, that on woollens was raised to fifty per cent; wool costing less than eight cents per pound was made free, other wool was taxed as before. Woollen yarn was now first taxed. This was the position of tariff and nullification when the presidential election was held.

CHAPTER XI.

PUBLIC QUESTIONS OF JACKSON'S FIRST ADMINISTRATION. — IV.

VII. *National bank.* Democracy[1] affirms that men are, may be, ought to be, were born, or were created, equal, and it determines that in politics they shall be treated as if they were so, facts to the contrary notwithstanding. The inequality of men in their industry, economy, prudence, self-control, etc., etc., produces the most marked results in the different amounts of capital which they accumulate. For capital is the support and fortification of human existence, and a man of virtuous habits and right life secures his existence against destructive forces by accumulating capital. His capital is at once the reward of right living and the means of better living. At the same time it is a proof of inequality and the cause of inequality. The existence of capital is therefore a refutation of all dogmas of equality. If there were no capital, men would sink to the level of the other animals, and become approximately equal to each other when they were all equal to brutes. The advocates

[1] Democracy is a theory about sovereignty, or who ought to rule. Its first dogma is that all men are equal. Its second dogma is that power and rule belong of right to a majority of the equal and undifferentiated units. It therefore affirms that the *demos* ought to rule, in contradiction to autocracy, theocracy, aristocracy, and other theories of who ought to rule. The first principle of civil liberty is that there is no one who, of right, ought to rule.

of equality consequently rage against capital which contradicts their theories. The inequality in the distribution of capital, which is at once the proof and the reward of unequal effort and virtue, is a still more favorite object of attack, but so long as men strive upwards and away from their original brutishness, the inequalities in their *being* and *doing* will inevitably produce inequalities in their *having* and *enjoying*. Of all the superstitions which have ever been entertained by men, the most astonishing is the one which has been accepted during the last century: That the mass of men are by nature wise and good — although universal experience proves that men become wise and good only by severe and prolonged effort. And yet, the fate of modern democracy is to fall into subjection to plutocracy. In its struggles against what is called "the money power," democracy strives against its fate, yet hastens it on. Democracy strives to banish the power of capital from open and admitted influence in political affairs. One of two results follows: (1) When the capital is combined with virtue and high principle, it really is banished from all share in politics. The consequence is that the community loses the incalculable advantage which it might gain from the experience and good-will of men who have accumulated capital by integrity, or have managed inherited capital with honor and success, and whose assistance in resisting corrupt schemes, or in reforming laws which give chances to corrupt and crafty men to accumulate capital without industry or integrity, would be invaluable. (2) When capital is in the hands of corrupt and crafty men, it is driven to secret modes of influence, which undermine and destroy institutions, and legislation is moulded to suit the ideas and modes of

operation of the crafty and lazy, instead of those of the honest and industrious. We might as well expect to free ourselves from the pressure of the atmosphere as to abolish "the money power." The effect would be as mischievous in one case as in the other. What is true is that selfishness and cupidity constantly strive to make use of laws and civil institutions to divert one man's earnings to another man's use. This occurs whenever laws change at all that distribution of products which would be brought about by the free operation of economic forces. The modern industrial organization, including banks, corporations, joint-stock companies, financial devices, national debts, paper currency, national systems of taxation, is largely the creation of legislation (not in its historical origin, but in the mode of its existence and in its authority), and is largely regulated by legislation. Capital is the breath of life to this organization, and every day, as the organization becomes more complex and delicate, the folly of assailing capital or credit becomes greater. At the same time it is evident that the task of the legislator to embrace in his view the whole system, to adjust his rules so that the play of the civil institutions shall not alter the natural play of the economic forces, requires more training and more acumen. Furthermore, the greater the complication and delicacy of the industrial system, the greater the chances for cupidity when backed by craft, and the task of the legislator to meet and defeat the attempts of this cupidity is one of constantly increasing difficulty. Finally, the methods and machinery of democratic republican self-government, — caucuses, primaries, committees, and conventions, — lend themselves perhaps more easily than any other political methods and ma-

chinery to the uses of selfish cliques which seek political influence for interested purposes.

In the United States the democratic element in public opinion has always been jealous of and hostile to the money power. The hostility has broken out at different times in different ways, as an assault on banks, corporations, vested rights, and public credit. Sometimes it seems as if the "money power" were regarded superstitiously, as if it were a superhuman entity, with will and power. The assaults on it are mingled with dread, as of an enemy with whom one is not yet ready to cope, but whose power is increasing rapidly, so that the chance of ultimate victory over him is small. We are now to study one of the greatest struggles between democracy and the money power.

The Bank of North America was forced, in 1784–85, to weather a storm of popular opposition and prejudice in Pennsylvania. All the elements of the opposition, which has been above described, were well represented there. There was jealousy of capital, fear of the influence of a corporation of capitalists in politics, superstition about banking, denunciation of a monopoly, and incoherent denunciations of the bank for the most contradictory misdeeds.[1] When Hamilton founded the first Bank of the United States [2] there arose the same doubts and complaints, and the same opposition; and the dissatisfaction, although it was silenced for a time, lasted as long as that bank lasted, and came out again when the question of rechartering it was brought up. Each party regarded the bank as an available power in politics, and each tried to get control of it. The one

[1] 3 Sparks's *Morris*, 440; Considerations on the Bank of North America; 3 Wilson's Works.

[2] See page 12.

which failed (the republicans) then denounced the bank as dangerous to the state. Niles affirmed a great many times that, in 1798, no man who was not a "black cockade federalist" could get accommodation at the bank. The bank authorities always denied this, and it is very doubtful indeed if it was true. Niles is far better authority for what the republicans believed at that heated period than he is for the facts as to the management of the bank. State banks at that time were distinctly regarded as political engines. Each bank had a well-defined party character, and "accommodated" only men of its own party. It seems that people then would have been as much astonished if a group of federalists asked for a bank charter from a republican Legislature as we would be now if a republican should ask a democratic House to elect him clerk. Jefferson, when President, wrote to Gallatin, Secretary of the Treasury: "I am decidedly in favor of making all the banks republican by sharing deposits amongst them in proportion to the disposition they show."[1] Pitkin, who was a federalist, found it quite natural that a republican Congress should not be willing to recharter the Bank of the United States, since it was federalist.[2] Very little is known of the banking merits or demerits of the bank. It was favored by the suspension of specie payments by the Bank of England. It published no reports of its condition until January, 1811.[3] Pitkin gives a generalized statement, in round numbers,[4] of the operations of the bank. It paid, on an average, eight and thirteen thirty-fourths per cent dividend per annum.[5]

In 1810, when the question of renewing the charter

[1] 1 Gallatin's Writings, 129. [2] Pitkin, 421.
[3] Seybert, 523. [4] Pitkin, 418. [5] Seybert, 521.

came up, a great political and economic controversy arose. It was generally expected that a commercial crisis would occur if the bank was forced to wind up. The business men and men of capital generally wanted the charter renewed. Matthew Carey's letters to Adam Seybert undoubtedly expressed the opinion of that class. The republicans opposed the bank as aristocratic, federalist, a dangerous political engine, and because its stock was partly held by foreign noblemen. Clay was one of the leaders of the opposition to the bank. The recharter was reported to the Senate by William H. Crawford, who ardently favored it. It was defeated by the casting vote of the Vice-President, George Clinton, of New York. The bank paid back its capital in dividends from time to time down to 1834; in all 109¼ for 100 paid in.

The old bank went out of existence without any convulsion in business. Its place was taken by local banks. During the second war these banks suspended, except in New England, and then went on to issue notes in the most extravagant manner, until the currency of the country was depreciated at least twenty-five per cent, and was furthermore unequally depreciated, so that it was necessary to have a list of all the banks, and a quotation of them, in order to calculate the value of any number of notes. The notes were loaned to the Treasury, which did its business with the rags which the banks manufactured and loaned to it for its six per cent bonds. There was then no outcry against the money power. The mania was to make more banks, and the state Legislatures were besieged by applicants for bank charters; that is, by corporations which desired the privilege of issuing paper to be used as currency by the gov-

ernment and the public, who should pay them interest for it, while it cost them nothing but the paper and printing. The mischievous notion has always been held in this country that a bank is an institution whose prime function is to issue circulating notes. To read the doctrines and plans of 1814–16 one would think the people here thought that a bank manufactured capital out of nothing, and could give it away. Its main duty was to dole it out fairly, and if the existing banks did not do this some more ought to be made. They talked about a man's "right" to accommodation, as if a bank resembled a town pump, at which every one might draw. At this juncture there would have been some sense in assailing the "money power," for ninety-nine in one hundred of these banks were pure swindles. They had no capital, by issuing notes they borrowed instead of lending, and they paid no interest.

The administration was republican, but its financial distress was so great that it was obliged to put away its constitutional scruples and its party tradition, and to propose a national bank. Many forms of this were suggested, for it was very hard for the old republicans to be obliged to reinstate Hamilton's bank. The Senate wanted to make a bank to suit the administration; that is, one which should lend to the Treasury. No bank could do this in the measure desired and maintain specie payments. The House would not consent to a big paper-money machine, not paying specie, but providing notes for the government. In January, 1815, after a long struggle, a bank charter was passed to suit the House. Madison vetoed it, because the bank would not help the Treasury at all if it could make no loans. The House was more anxious that it should restore the cur-

rency, believing that, if that could be done, prices of supplies would fall, loans could be placed in a sound currency, and real relief would follow. There was especial reason for this view, because the money market of the country was then at Boston, where the currency was not depreciated. It was said that the New Englanders would not sustain the public credit, because they would not subscribe to stocks in their currency at the same rates at which the people of Philadelphia and Baltimore subscribed to stocks in their currency.[1] The New Englanders were also denounced for drawing specie from the Middle States and exporting it,[2] because the specie of course left the States where the paper issues were excessive, and went to the States where the paper issues were small. When it accumulated in excess of the requirement in the latter States, it was exported, which was another ground of denunciation.[3]

Another bill was introduced at once, which provided for a bank to conform to the wishes of the administration. This bill was before the House on the day on which news of the treaty of Ghent was received at Washington (February 13th). Pitkin says the news was received at the moment of voting.[4] The bill was laid aside and was never revived.

At the next session (1815–16) the proposition came up for a national bank, not as a financial resource for the Treasury, but to check the local banks and force a return to specie payments. The charter became a law April 10, 1816. It was a perfect imitation of Hamil-

[1] See the Report of the Secretary of the Treasury, 1815. See also 3 Webster's Works, 35, his speech on the proposed bank.

[2] Ingersoll, 250.

[3] Carey's *Olive Branch*, 294, 298.

[4] Pitkin, 427.

ton's bank. In this bank also the government had a big stock note for seven millions of dollars of stock, which it had subscribed for as a resource to pay its debts, not as investment for free capital. The bank was chartered for twenty years. Its capital was thirty-five millions, seven subscribed by the United States in a five per cent stock note, seven by the public in specie, and twenty-one by the public in United States stocks. It was to pay a bonus of one and one half millions in two, three, and four years. It was not to issue notes under $5.00, and not to suspend specie payments under a penalty of twelve per cent on all notes not redeemed on presentation. Twenty directors were to be elected annually by the stockholders, and five, being stockholders, were to be appointed by the President of the United States and confirmed by the Senate. The federal government was to charter no other bank during the period of the charter of this. The Secretary of the Treasury might at any time redeem the stocks in the capital of the bank, including the five per cent subscription stock. He might remove the public deposits if he should see fit, but must state his reasons for so doing to Congress at its next meeting. The bank engaged to transfer public funds without charge. At first it undertook to equalize the currency by receiving any notes of any branch at any branch, but it was soon forced to abandon the attempt. The old bank had never done this.[1] Two things were mixed up in this attempt: (1) The equalization of the different degrees of depreciation existing in the bank-notes of different districts. This the bank could not have corrected save by relentlessly presenting all local notes for redemption, until they were made equal to

[1] Carey's *Letters*, 55.

specie or were withdrawn. So far as the bank did this it won the reputation of a "monster" which was crushing out the local banks.[1] (2) The equalization of the domestic exchanges. This was impossible and undesirable, since capital never could be distributed in exact proportion to local needs for it. The failure of the bank to "equalize the exchanges," and its refusal to take any notes at any branch, earned it more popular condemnation than anything else.

The bank charter contained a great many faults. To mention only those which affected its career: The capital was too large. There was no reason for lending its capital to the government, *i. e.*, putting it into public stocks, or making it a syndicate of bond-holders. There was every reason why the United States should not hold stock in it, especially when it could not pay for the same. The dividends of the bank from 1816 to 1831, when the government paid its stock note, averaged five per cent per annum, paid semi-annually. The United States paid five per cent on its stock note quarterly. This gave room for another complaint by the enemies of the bank.

The bank was established at Philadelphia. It began with nineteen branches, and grew to twenty-five. Specie payments were resumed nominally February 20, 1817, after which date, according to a joint resolution of Congress of April 16, 1816, the Treasury ought to receive only specie, or notes of the Bank of the United States, or of specie-paying banks, or Treasury notes. In the first two years of its existence the great bank was carried to the verge of bankruptcy by as bad banking as ever was heard of. Instead of checking the other

[1] See page 121.

banks in their improper proceedings, it led and surpassed them all. A clique inside the bank was jobbing in its shares, and robbing it to provide the margins. Instead of rectifying the currency, it made the currency worse. Instead of helping the country out of the distress produced by the war, it plunged the country into the commercial crisis of 1819, which caused a general liquidation, lasting four or five years. All the old-school republicans denounced themselves for having abandoned their principles. All the ill-doing of the bank they regarded as essential elements in the character of any national bank. Niles denounced the whole system of banking, and all the banks. He had good reason. It is almost incredible that the legislation of any civilized country could have opened the chance for such abuses of credit, banking, and currency as then existed. The franchise of issuing paper notes to be used by the people as currency, that is to say, the license to appropriate a certain amount of the specie circulation of the country, and to put one's promissory notes in the place of it, was given away, not only without any equivalent, but without any guarantee at all. When Niles and Gouge denounced banking and banks, it was because they had in mind these swindling institutions. The great bank justly suffered with the rest, because it had made itself in many respects like them. The popular anti-bank party, opposed to the money power, was very strong during the period of liquidation.

Langdon Cheves, of South Carolina, was elected president of the bank March 6, 1819. He set about restoring it. In three years he had succeeded, although the losses were over three millions. Nicholas Biddle was elected president of the bank in January, 1823.

He was only thirty-seven years old, and had been more a literary man than anything else. He was appointed government director in 1819. His election in Cheves's place was the result of the conflict between a young and progressive policy, which he represented, and an old and conservative policy. At the nearest date to January 1, 1823, the bank had $4.6 million notes out; $4.4 million specie; $2.7 million public deposits; $1.5 million deposits by public officers; $3.3 million deposits by individuals; $28.7 million bills discounted. Congress refused to allow the officers of the branches to sign notes issued by the branches. It is not clear why this petition was refused, except that Congress was in no mood to grant any request of the bank. The labor, for the president and cashier of the parent bank, of signing all the notes of the bank and branches was very great. Accordingly, in 1827, branch drafts were devised to avoid this inconvenience. They were the counterpart of bank-notes. They were drawn for even sums, by the cashier of any branch, on the parent bank, to the order of some officer of the branch, and endorsed by the latter to bearer. They then circulated like bank-notes. They were at first (1827) made in denominations of $5.00 and $10.00. In 1831 the denomination $20.00 was added. Binney, Wirt, and Webster gave an opinion that these drafts were legal. Rush, Secretary of the Treasury, approved of them, and allowed public dues to be paid in them.[1] These branch drafts were a most unlucky invention, and to them is to be traced most of the subsequent real trouble of the bank. The branches, especially the distant ones, when they issued these drafts, did not lend their own capital, but that of the bank at

[1] Document B.

Philadelphia. At the same time, therefore, they fell in debt to the parent bank. This stimulated their issues. The borrowers used these drafts to sustain what were called "race-horse bills." These were drafts drawn between the different places where there were branches, so that a bill falling due at one place was met by the discount of a bill drawn on another place. This system was equivalent to unlimited renewals. It kept up a constant inflation of credit. Up to the time of Jackson's accession these drafts had not yet done much harm, and had attracted no adverse criticism.

At the session of 1827–28, P. P. Barbour brought forward a proposition to sell the stock owned by the United States in the bank. A debate arose concerning the bank, and it seems that there was a desire on the part of a portion of the opposition to put opposition to the bank into their platform.[1] The project failed. Barbour's resolution was tabled, 174 to 9.

The facts which are now to be narrated were not known to the public until 1832. They are told here as they occurred in the order of time.

June 27, 1829, Levi Woodbury, senator from New Hampshire, wrote to Samuel Ingham, Secretary of the Treasury, making confidential complaints of Jeremiah Mason, the new president of the Portsmouth, New Hampshire, branch of the Bank of the United States, because (1) of the general brusqueness of his manner; (2) of his severity and partiality in the matter of loans and collections. He added that Mason was a friend of Webster. "His political character is doubtless known to you." He also said that the complaints were general and from all political parties. Ingham enclosed the

[1] 33 Niles, 275.

letter to Biddle, pointing out that the letter seemed to have been called out by the political effects of the action of the branch. He said that the administration wanted no favors from the bank. Biddle replied that he would investigate.

One great trouble with Biddle, which appeared at once in this correspondence, was that he wrote too easily. When he got a pen in his hand, it ran away with him. In this first reply, he went on to write a long letter, by which he drew out all the venomous rancor of Levi Woodbury and Isaac Hill against the old federalists and Jeremiah Mason and the bank, all which lurked in Ingham's letter, but came out only in the form of innuendo and suggestion. The innuendoes stung Biddle, and he challenged the suggestions instead of ignoring them. Thus he gave them a chance to come forth without sneaking. He was jauntily innocent and unconscious of what spirit he was dealing with and what impended over him. He stated (1) that Mason had been appointed to a vacancy caused by the resignation, not by the removal, of his predecessor; (2) that the salary of the position had not been increased for Mason; (3) that, after Mason's appointment, Webster was asked to persuade him to accept. He quoted a letter from Woodbury to himself, in July, in which Woodbury said that Mason was as unpopular with one party as the other. Biddle inferred, no doubt correctly, that Mason, as banker, had done his duty by the bank, without regard to politics. He explained that the branch had previously not been well managed, and that Mason was put in as a competent banker and lawyer to put it right again. It is easy to see that Mason, in order to put the bank right, had to act severely, and that he especially

disappointed those who, on account of political sympathy, expected favors, but did not get them. Politics had run high in New Hampshire for ten or twelve years. Mason and Webster on one side, and Hill, Woodbury, and Plumer on the other, had been in strong antagonism. The relations had been amicable between some of them, but Hill and Mason were two men who could not meet without striking fire. Hill was now president of a small bank at Concord, and business jealousy was added to political animosity. Woodbury had been elected to the Senate as an Adams man, and the personal and political feelings were only more intense, because Adams was called a republican. The federalists were first invited to support him, then they were ignored,[1] and Woodbury and Hill were working for Jackson.

Biddle, as if dissatisfied with whatever prudence he had shown in his first letter, wrote another, in which he declared that the bank had nothing to do with politics; that people were all the time trying to draw it into politics, but that it always resisted.

July 23d Ingham wrote again to Biddle, insisting that there must be grounds of complaint, and that exemption from party preference was impossible. He added that he represented the views of the administration.

In August the Secretary of War ordered the pension agency transferred from the Portsmouth branch to the bank at Concord, of which Isaac Hill had been president. The parent bank forbade the branch to comply with this order, on the ground that it was illegal. The order was revoked.

September 15th Biddle wrote again to Ingham. He

[1] 1 Webster's *Correspondence*, 415, 419.

had visited Buffalo and Portsmouth during the summer. His letter is sharp and independent in tone. He says that two memorials have been sent to him by Isaac Hill, Second Controller of the Treasury, one from the business men of Portsmouth, and the other from sixty members of the Legislature of New Hampshire, requesting Mason's removal, and nominating a new board of directors, "friends of General Jackson in New Hampshire." Those proceedings were evidently planned by the anti-bank clique at Washington to provoke Biddle. He hastened to crown that purpose with complete success. He says that public opinion in the community around a bank is no test of bank management, and that the reported opinion at Portsmouth, upon examination, "degenerated into the personal hostility of a very limited, and for the most part very prejudiced, circle." He then takes up three points which he finds in Ingham's letters, suggested or assumed, but not formulated. These are: (1) That the Secretary has some supervision over the choice of officers of the bank, which comes to him from the relations of the government to the bank. (2) That there is some action of the government on the bank, which is not precisely defined, but of which the Secretary is the proper agent. (3) That it is the right and duty of the Secretary to make known to the president of the bank the views of the administration on the political opinions of the officers of the bank. He then says that the board acknowledge no responsibility whatever to the Secretary in regard to the political opinions of the officers of the bank; that the bank is responsible to Congress only, and is carefully shielded by its charter from executive control. He indignantly denies that freedom from political bias is impossible,

shows the folly of the notion of political "checks and counter-balances" between the officers of the bank, and declares that the bank ought to disregard all parties. He won a complete victory on the argument of his points, but delivered himself, on the main issue, without reserve into the hands of his enemies.

Ingham's letter of October 5th is a masterly specimen of cool and insidious malice. In form it is smooth, courteous, and plausible, but it is full of menace and deep hostility. He discusses the points implied by him, but, in form, raised by Biddle. He says that if the bank should abuse its powers the Secretary is authorized to remove the deposits. Hence the three points which Biddle found in his former letter are good. It does not appear that Biddle ever thought of this power as within the range of the discussion, or of the exercise of it as amongst the possibilities. Ingham says there are two theories of the bank: (1) That it is exclusively for national purposes and for the common benefit of all, and that the "employment of private interests is only an incident, — perhaps an evil, — founded in mere convenience for care and management." (2) That it is intended "to strengthen the arm of wealth, and counterpoise the influence of extended suffrage in the disposition of public affairs," and that the public deposits are one of its means for performing this function. He says that there are two means of resisting the latter theory: the power to remove the deposits, and the power to appoint five of the directors. He adds that, if the bank should exercise political influence, that would afford him the strongest motive for removing the deposits. Biddle's reply of October 9th shows that he recognizes at last what temper he has to deal with. He is still gay

and good-natured, and he recedes gracefully, only maintaining that it is the policy of the bank to keep out of politics.

In Ingham's letters of July 23d and October 5th is to be found the key to the "bank war." Ingham argues that the bank cannot keep out of politics, that its officers ought to be taken from both parties, and that, if it meddles with politics, he will remove the deposits. The only road left by which to escape from the situation he creates is to go into politics on his side. No evidence is known to exist that the bank had interfered in politics. The administration men are distinctly seen in this correspondence, trying to drive it to use political influence on their side, and the bank resists, not on behalf of the other party, but on behalf of its independence. It is the second of the alleged theories in the letter of October 5th, however, which demands particular attention. The Jackson administration always pretended that the managers of the bank construed the character and function of the bank according to that theory. It is the Kentucky relief notion of the bank in its extreme and most malignant form. The statement is, on its face, invidious and malicious. It is not, even in form, a formula of functions attributed to the bank. It is a construction of the political philosophy of a national bank. It is not parallel with the first statement. It was ridiculous to allege that the stockholders of the bank had subscribed twenty-eight million dollars, not even for party purposes, but to go crusading against democracy and universal suffrage. However, the justice or injustice of the allegations in these letters, which could be submitted to no tribunal, and which touched motives, not acts, was immaterial. The administration

had determined to make war on the bank. The ultimate agents were Amos Kendall, who brought the Kentucky relief element, and Isaac Hill, who brought the element of local bank jealousy and party rancor. Ingham published, in 1832,[1] after the above correspondence had been published, an "Address" in his own defence. He says that he found, to his surprise, soon after he entered Jackson's cabinet, that the President and those nearest in his confidence felt animosity against the bank. He saw that the persons who had the most feeling influenced the President's mind the most. Allegations of fact were reported in regard to political interference by the bank. Ingham says that when he was urged to action about the bank he tried to trace down these stories to something tangible. He quotes the only statement he ever got. It is a letter by Amos Kendall, giving second or third hand reports of the use of money by officers of the bank in the Kentucky election of 1825, when the court question was at issue.[2] The man whom Kendall gave as his authority failed, when called upon, to substantiate the assertion. In Kendall's Autobiography there is a gap from 1823 to 1829, and the origin of his eager hostility to the bank is not known. Jackson is not known to have had any opinion about the bank when he came to Washington. He is not known to have had any collision with the bank, except that, when he was on his way to Florida, as Governor, the branch at New Orleans refused his request that it would advance money to him on his draft on the Secretary of State.[3] Hill and Kendall, either by telling Jackson that the bank had worked against him in the election, or by other means, infused into his mind the hostility to

[1] 42 Niles, 315. [2] See page 127. [3] 2 Parton, 596.

it which had long rankled in theirs. They were soon reënforced by Blair, who was stronger than either, and more zealously hostile to the bank than either.

In November, 1829, about a week before Congress met, Amos Kendall sent privately[1] a letter to the "Courier and Enquirer," Jackson organ at New York, in which he insinuated that Jackson would come out against the bank in the annual message. A head and tail piece were put to this letter, and it was put in as an editorial. It attracted some attention, but, its origin being of course unknown, it was received with a great deal of skepticism. In its form it consisted of a series of queries,[2] of which the following may be quoted as the most significant, and as best illustrating the methods of procedure introduced in Jackson's administration. We must remember that these queries were drawn up by a man in the closest intimacy with the President, who helped to make the message what it was, and we must further remember what we have already learned of William B. Lewis's methods. "Will sundry banks throughout the Union take measures to satisfy the general government of their safety in receiving deposits of the revenue, and transacting the banking concerns of the United States? Will the Legislatures of the several States adopt resolutions on the subject, and instruct their senators how to vote? Will a proposition be made to authorize the government to issue exchequer bills, to the amount of the annual revenue, redeemable at pleasure, to constitute a circulating medium equivalent to the notes issued by the United States Bank?" So far as appears, no one saw in these queries the oracle which

[1] *Memoirs of Bennett*, 111.

[2] It is quoted 37 Niles, 378. (January 30, 1830.)

foretold the history of the United States for the next ten or fifteen years.

Jackson's first annual message contained a paragraph on the bank which struck the whole country with astonishment. "We had seen," says Niles, "one or two dark paragraphs in certain of the newspapers, which led to a belief that the administration was not friendly to this great moneyed institution, but few had any suspicion that it would form one of the topics of the first message." [1] After mentioning the fact that the charter would expire in 1836, and that a recharter would be asked for, the message said that such an important question could not too soon be brought before Congress. "Both the constitutionality and the expediency of the law creating this bank are well questioned by a large portion of our fellow citizens, and it must be admitted by all that it has failed in the great end of establishing a uniform and sound currency." The question is then raised whether a bank could not be devised, "founded on the credit of the government and its revenues," which should answer all the useful purposes of the Bank of the United States.

No period in the history of the United States could be mentioned when the country was in a state of more profound tranquillity, both in its domestic and foreign relations, and in a condition of more humdrum prosperity in its industry, than 1829. The currency never had been as good as it was then, for the troubles of the early '20's, both in the East and in the West, had been to a great extent overcome.[2] The currency has never

[1] 37 Niles, 257.

[2] See the tables in 2 Macgregor, 1140; also Gallatin on the *Currency and Banking System of the United States.*

been better and more uniform, if we take the whole country over, since 1829 than it was then. The proceedings, of which the paragraph in the message of 1829 was the first warning, threw the currency and banking of the country into confusion and uncertainty, one thing following upon another, and they have never yet recovered the character of established order and routine operation which they had then. The bank charter was not to expire until March 3, 1836; that is, three years beyond the time when Jackson's term would expire. He seems to apologize for haste in bringing up the question of its renewal. It certainly was a premature step, and can only be explained by the degree of *feeling* which the active agents had mingled with their opinions about the bank. It was, moreover, a new mode of statement for the President to address Congress, not on his own motion, and to set forth his own opinions and recommendations, but as the mouth-piece of "a large portion of our fellow citizens." Who were they? How many were they? How had they made their opinions known to the President? Why did they not use the press or the Legislature, as usual, for making known their opinions? Who must be dealt with in discussing the opinions, the President or the "large portion," etc.? What becomes of the constitutional responsibility of the President, if he does not speak for himself, but gets his notions before Congress as a quotation from somebody else, and that somebody "a large portion of our fellow citizens"? Then again the question must arise: Does the President correctly quote anybody? No proofs can be found that any hundred persons in the United States had active doubts of the constitutionality and expediency of the bank, or were looking forward to its recharter as

a political crisis to be prepared for. If the theoretical question had been raised, a great many people would have said that they thought a national bank unconstitutional. They would have said, as any one must say now, that there was no power given in the Constitution to buy territory, but they did not propose to give up Louisiana and Florida. Just so in regard to a national bank. The Supreme Court had decided in McCulloch *vs.* Maryland that the bank charter was constitutional, and that was the end of controversy. The question of the constitutionality of the bank had no life, and occupied no place in public opinion, so far as one can learn from newspapers, books, speeches, diaries, correspondence, or other evidence we have of what occupied the minds of the people. Jackson's statement was only a figure of speech. The observation which is most important for a fair judgment of his policy of active hostility to the bank is, that any great financial institution or system which is in operation, and is performing its functions endurably, has a great presumption in its favor. The only reasonable question for statesman or financier is that of slow and careful correction and improvement. The man who sets out to overturn and destroy, in obedience to "a principle," especially if he shows that he does not know the possible scope of his own action, or what he intends to construct afterwards, assumes a responsibility which no public man has any right to take.

The vague and confused proposition of the President for some new kind of bank added alarm to astonishment. What did he mean by his bank on the credit and revenues of the government? It sounded like a big paper-money machine. If there was any intelligible

idea in it, it referred to something like the Bank of the Commonwealth of Kentucky on a still larger scale. The stock of the bank declined from 125 to 116 on account of the message.[1] It was supposed that the President must have knowledge of some facts about the bank.

The part of the message about the bank was referred in both Houses. April 13, 1830,[2] McDuffie made a long report from the Committee on Ways and Means. He argued that the constitutionality of the bank was settled by the decision of the Supreme Court and by prescription. He defended the history and expediency of the bank, and ended by declaring the bank proposed by the President to be very dangerous and inexpedient, both financially and politically, — the latter because it would increase the power of the Executive. In the Senate, Smith, of Maryland, reported from the Committee on Finance in favor of the bank.[3] The House, May 10, 1830, tabled, by 89 to 66, resolutions that the House would not consent to renew the charter of the bank, and on May 29th it tabled, 95 to 67, a series of resolutions calling for a comprehensive report of the proceedings of the bank. As yet there were no allegations against the management of the bank. The stock rose to 130 on the reports of the committees of Congress.

A great many politicians had to "turn a sharp corner," as Niles expressed it, when Jackson came out against the bank. His supporters in Pennsylvania cities were nearly all bank men. Van Buren, Marcy, and Butler had signed a petition, in 1826, for a branch

[1] 38 Niles, 177.
[2] 38 Niles, 183.
[3] 38 Niles, 126.

of the bank at Albany.[1] The petition was refused. In January, 1829, Van Buren, as Governor of New York, referred to banks under federal control as objectionable. The administration party was not yet consolidated. It was still only that group of factions which had united in opposition to Adams. The bank question was one of the great questions through which Jackson's popularity and his will hammered them into a solid party phalanx. All had to conform to the lines which he drew for the party, under the influence of Kendall, Lewis, and Hill. If they did not do so, they met with speedy discipline.

In his message for 1830, Jackson again inserted a paragraph about the bank, and proposed a bank as a "branch of the Treasury Department." The outline is very vague, but it approaches the sub-treasury idea. No notice was taken of this part of the message in the session of 1830–31. On a test question, whether to refer the part of the message relating to the bank to the Committee on Ways and Means or to a select committee, the bank triumphed, 108 to 67. Benton offered a joint resolution, in the Senate, February 2, 1831, "That the charter of the Bank of the United States ought not to be renewed." The Senate refused leave, 23 to 20, to introduce it. In July, 1831, the Secretary of War ordered the pension funds for the State of New York to be removed from the New York branch. Biddle remonstrated, because there was no authority of law for the order, and the Auditor had refused to accept such an order as a voucher in a previous case. Secretary Cass revoked the order, March 1, 1832. In the message of 1831 Jackson referred to the bank question as one on which he had discharged his duty and freed

[1] Mackeinzie, 98.

his responsibility. The Secretary of the Treasury, McLane, in his annual report, December, 1831, made a long and strong argument in favor of the bank. If we may judge from the tone of the message of 1831, Jackson was willing to allow the bank question to drop, at least until the presidential election should be over. There is even room for a suspicion that McLane's argument in favor of the bank was a sort of "hedging;" for although the Secretary's report was not necessarily submitted to the President,[1] Jackson was hardly the man to allow a report to be sent in of which he disapproved.

We have now concluded our review of the public questions which occupied attention during Jackson's first administration, and have brought the history of those questions, and of his proceedings in regard to them, down to the time when the presidential campaign of 1832 opened, — December, 1831.

[1] See page 302.

CHAPTER XII.

THE CAMPAIGN OF 1832.

Clay was the leading man in the opposition, but the opposition was by no means united. A new factor had been gaining importance in politics for the last few years. The politicians had ignored it and sneered at it, but it had continued to grow, and was now strong enough to mar, if it could not make, a national election.

In 1826 a bricklayer, named William Morgan, who lived at Batavia, N. Y., and was very poor, thought that he could earn something by writing an exposure of the secrets of free-masonry,[1] he being a mason. The masons learned that he had written such a book. They caused his arrest and imprisonment over Sunday on a frivolous civil complaint, and searched his house for the manuscript during his absence. A month later he was arrested again for a debt of $2.10, and imprisoned under an execution for $2.69, debt and costs. The next day the creditor declared the debt satisfied. Morgan was released, passed at the prison door into the hands of masked men, was placed in a carriage, taken to Fort Niagara, and detained there. A few days later a body was found floating in the river, which was identified as Morgan's body. The masons always denied that this identification was correct. Morgan has never

[1] Report of the Special Agent of the State of New York. 5 *Ann. Reg.* 537.

been seen or heard of since. In January, 1827, certain persons were tried for conspiracy and abduction. They pleaded guilty, and so prevented a disclosure of details.[1] The masons confessed and admitted abduction, but declared that Morgan was not dead. The opinion that Morgan had been murdered, and that the body found was his, took possessions of the minds of those people of Western New York who were not masons. Popular legend and political passion have become so interwoven with the original mystery that the truth cannot now be known.

The outrage on Morgan aroused great indignation in Western New York, then still a simple frontier country. Public opinion acted on all subjects. A committee appointed at a mass-meeting undertook an extra-legal investigation, and soon brought the matter into such shape that no legal tribunal ever after had much chance of unravelling it. After the fashion of the time, and of the place also, a political color was immediately given to the affair. As Spencer, the special agent appointed by the State to investigate the matter, declared in his report, the fact of this political coloring was disastrous to the cause of justice. The politicians tried to put down the whole excitement, because it traversed their plans and combinations. They asked, with astonishment and with justice, what the affair had to do with politics. The popular feeling, however, was very strong, and it was fed by public meetings, committee reports, etc. The monstrous outrage deserved that a strong public opinion should sustain the institutions of justice in finding out and punishing the perpetrators. Some of the officers were too lax and indifferent in the discharge

[1] 2 Hammond, 376.

of their duties to suit the public temper. They were masons. Hence the inference that a man who was a mason was not fit or competent to be entrusted with public duties. The political connection was thus rendered logical and at least plausible. Many persons resolved not to vote for anyone who was a mason for any public office. Moreover, the excitement offered an unexampled opportunity to the ambitious young orators and politicians of the day. It was a case where pure heat and emphasis were the only requirements of the orator. He need not learn anything, or have any ideas. A number of men rose to prominence on the movement who had no claims whatever to public influence. They of course stimulated as much as they could the popular excitement against masonry, which furnished them their opportunity and their capital. Many masons withdrew from the order. Others foolishly made light of the outrage itself. For the most part, however, the masons argued that masonry was no more responsible, as an institution, for the outrage on Morgan than the Christian church is responsible for the wrongs done in its name by particular persons and groups. These discussions only sharpened the issue, and masons and anti-masons came to be a division which cut across all the old party lines in the State of New York. In 1828 the anti-masons were the old Clintonians,[1] the rump of the federalists, and many buck-tails, with whom horror at the Morgan outrage was a controlling motive. Jackson, Clinton, and Van Buren were then allied. Jackson and Clinton were masons. The Clintonians who would not follow Clinton to the support of Jackson, either because they disliked the man or because he was a mason, and the

[1] Clinton died February 11, 1828.

buck-tails who would not vote for a mason, were Adams men. The great body of the buck-tails (amongst whom party discipline was stronger than in any other faction), the Clintonians who followed Clinton into the Jackson camp, and the masons who let defence of the order control their politics, were Jackson men. Hence the New York vote (which was taken by districts in 1828) was divided.

The regency buck-tail democrats, being in control of the state government, tried to put down the excitement by indirect means, because of its disorganizing effects. This made them appear to suppress inquiry, and to be indifferent to the outrage. It only fanned the flame of popular indignation, and strengthened anti-masonry. The anti-masons came out as an anti-administration party in 1830. They held a convention at Utica in August, and framed a platform of national principles. This is the first "platform," as distinguished from the old-fashioned address. The anti-masons had come together under no other bond than opposition to masonry. If they were to be a permanent party, and a national party, they needed to find or make some political principles. This was their great political weakness and the sure cause of their decay. Their party had no root in political convictions. It had its root elsewhere, and in very thin soil too, for a great political organization. Since the masons were not constantly and by the life principle of their order perpetrators of outrages and murders, they could not furnish regular fuel to keep up the indignation of the anti-masons. The anti-masons, then, put on their principles as an after-thought. For this reason, however, they needed an explicit statement of them, if possible, in a categorical form, *i. e.*, a plat-

form, far more than a party which had an historical origin, and traditions derived from old political controversies. Anti-masonry spread rapidly through New York and large parts of Pennsylvania and Massachusetts. Vermont became a stronghold of it. It is by no means extinct there now. It had considerable strength in Connecticut and Ohio. It widened into hostility to all secret societies and extra-judicial oaths. Perhaps it reached its acme when it could lead men like J. Q. Adams and Joseph Story to spend days in discussing plans for abolishing the secrecy of the Phi Beta Kappa society of Harvard College.[1] It only showed to what extent every man is carried away by the currents of thought and interest which prevail for the time being in the community.

The anti-masons next invented the national political convention.[2] They held one at Philadelphia, September 11, 1830,[3] which called another, to meet September 26, 1831, at Baltimore, to nominate candidates for President and Vice-President. At the latter date 112 delegates met.[4] William Wirt, of Maryland, was nominated for President, and Amos Ellmaker, of Pennsylvania, for Vice-President, almost unanimously. Wirt had been a mason, and had neglected, not abandoned, the

[1] 8 Adams, 383.

[2] A convention of delegates from eleven States nominated De Witt Clinton, in 1812. Binns (page 244) claims to have invented the national convention, but his was a project for introducing into the congressional caucus of the republican party special delegates from the non-republican States, so as to make that body represent the whole party.

[3] 39 Niles, 58.

[4] 41 Niles, 83, 107. Twelve States were represented. W. H. Seward and Thaddeus Stevens were in the convention.

order. In his letter of acceptance[1] he said that he had often spoken of "masonry and anti-masonry as a fitter subject for farce than tragedy." He circumscribed and tamed down the whole anti-masonic movement, and put himself on no platform save hostility to oaths which might interfere with a man's civic duties. He put the whole Morgan case aside, except so far as, on the trial, it appeared that masonry hindered justice. The anti-masons were, in fact, aiming at political power. They had before them the names of McLean, Calhoun, and J. Q. Adams.[2] New York wanted McLean. He declined.[3] The anti-masonic convention published a long address, setting forth the history and principles of the party.[4] There was a hope, in which Wirt seems to have shared, that when the anti-masons presented a separate nomination Clay would withdraw, and the national republicans would take up Wirt.[5] When this hope had passed away, Wirt wanted to withdraw, but could not do so.[6] He had from the first desired Clay's election, and had agreed to stand only when assured that Clay could not unite the anti-Jackson men. Clay refused to answer the interrogatories of the anti-masons. He said, "I do not know a solitary provision in the Constitution of the United States which conveys the slightest authority to the general government to interfere, one way or the other, with either masonry or anti-masonry." He said that if the President should

[1] 2 Kennedy's *Wirt*, 350.

[2] 8 Adams, 412, 416.

[3] 41 Niles, 259.

[4] 41 Niles, 166.

[5] Judge Spencer thought that Wirt could unite the opposition, if Clay would stand back, and that Wirt could be elected over Jackson. (1 Curtis's *Webster*, 402.)

[6] 2 Kennedy's *Wirt*, 356, 362, 366.

meddle with that matter he would be a usurper and a tyrant.[1]

The opposition therefore went into the contest divided and discordant. The anti-masons were strong enough to produce that state of things, and of course their conduct showed that the opposition was not united on any political policy whatever. Jackson, on the contrary, had been consolidating a *party*, which had a strong consciousness of its power and its purpose and a vigorous party will. Jackson had the credit of recovering the West India trade, settling the spoliation claims, and placing all foreign relations on a good footing. He also claimed that he had carried the administration of the government back to the Jeffersonian ideas. In general this meant that he held to the non-interference theory of government, and to the policy of leaving people to be happy in their own way. He had not yet been forced to commit himself on land and tariff, although he had favored a liberal policy about land; but on internal improvements he had spoken clearly, and inferences were freely drawn as to what he would do on land and tariff. He had favored state rights and strict construction in all the cases which had arisen. He had discountenanced all heavy expenditures on so-called national objects, and had prosecuted as rapidly as possible the payment of the debt. Here was a strong record and a consistent one on a number of great points of policy, and that, of course, is what is needed to form a party. The record also furnished two or three good party "cries." The general non-interference policy strengthens any government which recurs to it. All governments in time depart from it, because they al-

[1] 41 Niles, 260; 8 Adams, 430.

ways credit themselves with power to do better for the people than the people can do for themselves. In 1831–32 Jackson had not yet reached this stage in his career. The delicate points in his record were tariff and bank. If he assailed the tariff, would he not lose Pennsylvania, Ohio, and Kentucky? If he favored it, would he not lose the South? This was the old division in the body of his supporters, and it seemed that he might now be ruined if that cleft were opened. Also, if he went on with the "bank war," would he not lose Pennsylvania? His mild message on the bank in 1831 seemed to indicate fear.

Clay declared unhesitatingly that the campaign required that the opposition should force the fighting on tariff and bank, especially on the latter. We have seen [1] what his demeanor and demands were in the conference at Washington. For the fight out-of-doors he thought that the recharter of the bank was the strongest issue he could make. Of course Benton's assertion [2] that the bank attacked Jackson is a ridiculous misrepresentation. Clay did, however, seize upon the question which Jackson had raised about the bank, and he risked that important financial institution on the fortunes of a political campaign. The bank was very unwilling to be so used. Its disinterested friends in both parties strongly dissuaded Biddle from allowing the question of recharter to be brought into the campaign.[3] Clay's advisers tried to dissuade him. The bank, however, could not oppose the public man on whom it depended most, and the party leaders deferred at last to their chief. Jackson never was more dictatorial and obstinate than Clay was at this juncture. Clay was the champion of the system

[1] Page 221. [2] 1 Benton, 227. [3] Ingersoll, 268.

of state-craft which makes public men undertake a tutelage of the nation, and teaches them not to be content to let the nation grow by its own forces, and according to the shaping of the forces and the conditions. His system of statesmanship is one which always offers shelter to numbers of interested schemes and corrupt enterprises. The public regarded the bank, under his political advocacy, as a part of that system of state-craft.

The national republican convention met at Baltimore, December 12, 1831.[1] It consisted of 155 delegates from seventeen States. Abner Lacock, of Pennsylvania, who as senator had made a very strong report against Jackson on the Seminole war, was president of the convention. John Sergeant, of Pennsylvania, was nominated for Vice-President. The convention issued an address, in which the bank question was put forward. It was declared that the President "is fully and three times over pledged to the people to negative any bill that may be passed for rechartering the bank, and there is little doubt that the additional influence which he would acquire by a reëlection would be employed to carry through Congress the extraordinary substitute which he has repeatedly proposed." The appeal, therefore, was to defeat Jackson in order to save the bank and prevent the device proposed by Jackson from being tried.

Such a challenge as that could have but one effect on Jackson. It called every faculty he possessed into activity to compass the destruction of the bank. Instead of retiring from the position he had taken, the moment there was a fight to be fought, he did what he did at New Orleans. He moved his lines up to the last point he could command on the side towards the enemy. The

[1] 41 Niles, 301.

anti-bank men, Kendall, Blair, and Hill, must have been delighted to see the adversary put spurs into Jackson's animosity. The proceedings seemed to prove just what the anti-bank men had asserted: that the bank was a great monster, which aimed to control elections, and to set up and put down Presidents. The campaign of 1832 was a struggle between the popularity of the bank and the popularity of Jackson. His popularity in rural Pennsylvania had never had any rational basis, and hence could not be overthrown by rational deductions. His spirit and boldness in meeting the issue offered by Clay won him support. His party was not broken; it was consolidated.

On the 9th of January, 1832, in prosecution of the programme, the memorial of the bank for a renewal of its charter was presented in the Senate by Dallas, and in the House by McDuffie. These men were both "bank democrats." Sargent[1] says Biddle told him that the bank wanted Webster, or some such unequivocal friend of the bank, to present the memorial, but that Dallas claimed the duty as belonging to him. There was great and just dissatisfaction with Dallas for the way in which he managed the business. He intimated a doubt whether the application was not premature, and a doubt about the policy of the memorial, lest "it might be drawn into a real or imaginary conflict with some higher, some more favorite, some more immediate wish or purpose of the American people." In the Senate the petition was referred to a select committee, and in the House to the Committee on Ways and Means. The Senate committee reported favorably March 13th and recommended only a few changes in the old charter. They

[1] 1 Sargent, 215.

proposed to demand a bonus of one and a half millions in three annual instalments. In the House, McDuffie reported February 9th.[1] He said that the proposition to recharter had called out a number of wild propositions. The old bank was too large, but one was proposed with a capital of fifty millions. He criticised the notion that all citizens should have an equal right to subscribe to the stock of the bank. If A has $100 on balance and B owes $100 on balance, their "equal right" to subscribe to bank stock is a strange thing to discuss.

Benton[2] says that the opponents of the bank in Congress agreed upon a policy. They determined to fight the charter at every point, and to bring the bank into odium as much as possible. He says that he organized a movement to this effect in the House, incited Clayton, of Georgia, to demand an investigation of the bank, and furnished him with the charges and specifications on which to base that demand. Clayton moved for an investigation, February 23d. He presented Benton's charges, seven important and fifteen minor ones. McDuffie answered the charges at once, but the investigation was ordered to be made by a special committee. They reported, April 30th. The majority reported that the bank ought not to be rechartered until the debt was all paid and the revenue readjusted. R. M. Johnson signed this report, so as to make a majority, out of good-nature. He rose in his place in Congress and said that he had not looked at a document at Philadelphia. The minority reported that the bank ought to be rechartered; that it was sound and useful. John Quincy Adams made a third report, in which he brought his characteristic industry to bear on the question, and discussed all

[1] Document C. [2] 1 Benton, 236.

the points raised in the attack on the bank. It is to his report that we are indebted for a knowledge of the correspondence of 1829 between Biddle and Ingham, and the controversy over the Portsmouth branch, which was the first skirmish in the "bank war." [1]

The charges against the bank, and the truth about them, so far as we can discover it, were as follows: —

(1.) Usury. The bank sold Bank of Kentucky notes to certain persons on long credit. When these persons afterwards claimed an allowance for depreciation, it was granted. A case which came to trial went off on technicalities, which were claimed to amount to a confession by the bank of a corrupt bargain.[2] The bank had also charged discount and exchange for domestic bills, when these two together amounted to more than six per cent, the rate to which it was restrained by its charter. This charge was no doubt true. The device was used by all banks to evade the usury law.

(2.) Branch drafts issued as currency. The amount of these outstanding was $7.4 millions. The majority of the committee doubted the lawfulness of the branch drafts, but said nothing about the danger from them as instruments of credit. Adams said they were useful, but likely to do mischief. These drafts were in form redeemable where issued, but in intention and practice they were redeemed hundreds of miles away, and they had no true convertibility. There was no check whatever on the inflation of the currency by them so long as credit was active. Cambreleng very pointedly asked Biddle how the branch draft arrangement differed from

[1] Document B.

[2] Cf. Bank of the United States *vs.* William Owens *et al.* 2 Peters, 527.

an obligation of a Philadelphia bank to redeem all the notes of all the banks in Pennsylvania. Biddle replied that the Bank of the United States *controlled* all the branches which issued branch drafts on it. That was, to be sure, the assumption, but he had had hard experience all winter that it was not true in fact.[1]

(3.) Sales of coin, especially American coin. The bank had bought and sold foreign coin by weight. The majority held that such coins were not bullion, because Congress had fixed their value by law. Adams easily showed the fallacy of this. All gold coins, then, American included, were a commodity, not money.[2] The bank had sold $84,734.44 of American gold coin.

(4.) Sales of public stocks. The bank was forbidden by the charter to sell public stocks, the object being to prevent it from manipulating the price of the same. In 1824, in aid of a refunding scheme, the bank took some public stocks from the government, and had special permission by act of Congress to sell them. The majority disapproved of the sale.

(5.) Gifts to roads, canals, etc. The bank had made two subscriptions of $1,500 each to the stock of turnpike companies. The other cases were all petty gifts to fire companies, etc. The majority argued that, since the administration had pronounced against internal improvements, the bank ought not to have assisted any such works. Adams said that the administration had opposed internal improvements, on the ground that they were unconstitutional when undertaken by the federal government; but he asked what argument that furnished against such works when undertaken by anybody else.

(6.) Building houses to rent or sell. The bank had

[1] See below, page 270–1. [2] See page 333.

been obliged, in some cases, to take real estate for debts. When it could not sell, it had, in a few cases, improved.

These points were the alleged violations of the charter. Biddle denied the seventh charge, of *non-user*, in failing to issue notes in the South and West for seven years. Adams pointed out that these charges would only afford ground for a *scire facias* to go before a jury on the facts. The charges of mismanagement, and the truth about them, so far as we can ascertain, were as follows:

(1.) Subsidizing the press. Webb and Noah, of the "Courier and Enquirer" (administration organ until April, 1831; then in favor of the bank), Gales and Seaton, of the "National Intelligencer" (independent opposition), Duff Green, of the "Telegraph" (administration organ until the spring of 1831), and Thomas Ritchie of the Richmond "Enquirer" (administration) were on the books of the bank as borrowers. The change of front by the "Courier and Enquirer" was regarded as very significant. Adams said that there was no law against subsidizing the press, and that the phrase meant nothing. He protested against the examination of the editors. The case stood so that, if the bank discounted a note for an administration editor, it was said to bribe him; if for an opposition editor, it was said to subsidize him.

(2.) Favoritism to Thomas Biddle, second cousin of the president of the bank. Reuben M. Whitney was the witness on this charge. T. Biddle was the broker of the bank. N. Biddle admitted that the bank had followed a usage, adopted by other banks, of allowing cash in the drawer to be loaned out to particular persons, and replaced by securities, which were passed as cash, for a few days. He said the practice had been discon-

tinued. Whitney made a very circumstantial charge that T. Biddle had been allowed to do this, and that he had paid no interest for the funds of the bank of which he thus got the use. N. Biddle proved that he was in Washington when Whitney's statement implied his presence in Philadelphia. Adams said Whitney lied. It was certainly true, and was admitted, that T. Biddle had had enormous confidential transactions with the bank, but Whitney was placed, in respect to all the important part of his evidence, in the position of a convicted calumniator. He went to Washington, where he was taken into the kitchen cabinet and made special agent of the deposit banks. In 1837 he published an "Address to the American People," in which he reiterated the charges against Biddle.[1]

(3.) Exporting specie, and drawing specie from the South and West. The minority state that the usual current was, that silver was imported from Mexico to New Orleans, and passed up the Mississippi and Ohio, and was exported to China from the East. From 1820 to 1832, $22.5 million were drawn from the South and West to New York. The bank was charged with draining the West of specie. So far as the current of silver was normal, the bank had nothing to do with it. If there had been no banks of issue, the West would have kept enough specie for its use, and the current would have flowed through and past, leaving always enough. The paper issues in the valley drove out the specie, and little stayed. The branch drafts after 1827 helped to produce this result, and the charge was, in so far, just.[2] The bank was also charged with export-

[1] 52 Niles, 106.

[2] Gouge says that, in 1828, there was no local bank in opera-

ing specie as a result of its exchange operations. It sold drafts on London for use in China, payable six months after sight. They were sold for the note of the buyer at one year. The goods could be imported and sold to meet the draft. This produced an inflation of credit, since one who had no capital, if he could get the bank accommodation, could extend credit indefinitely. The majority made a point on this, but they added the following contribution to financial science: "The legitimate object of banks the committee believe to be granting facilities, not loaning capital." On that theory there would have been no fault to be found with the China drafts, which must have been a great "facility" to those who could get them, and who had no other capital.

(4.) The improper increase of branches. It was true that there were too many. Cheves, in his time, thought some of them disadvantageous to the bank, but it had been importuned to establish them, and there was complaint if a branch was lacking where the government or influential individuals wanted one.

(5.) Expansion of the circulation by $1.3 million between September 1, 1831, and April 1, 1832, although the discounts had been reduced during the winter. The bank was struggling already with the branch drafts, and the facts alleged were produced by its efforts to cope with the effects of the drafts.

(6.) Failure of the bank to serve the nation. The majority made another extraordinary blunder here. They said that the duties were paid at New York and Philadelphia, and that drafts on these cities were always at a premium. Hence they argued that the bank

tion in Kentucky, Indiana, Illinois, or Missouri, and only one each in Tennessee, Mississippi, and Alabama. (Gouge, 39.)

gained more the further it transferred funds for the government. The minority ridiculed this as an annihilation of space, a means of making a thing worth more the further it was from where it was wanted.

(7.) Mismanagement of the public deposits. The majority state what they think the bank ought to do. It ought to use its capital as a permanent fund, and loan the public deposits on time, so as to be payable near the time when they would be required by the government for the debt payments. If the bank had done this it would have carried to a maximum the disturbances in the money market which were actually produced by the semi-annual payments on the debt. It would have inflated and contracted its discounts by an enormous sum every six months.

(8.) Postponement of the payment of the three per cents. These stocks were issued in 1792 for the accrued interest on the Revolutionary debt. They were to be paid at 100. The Secretary informed the bank, March 24th, just before the bank committee was raised, that he should pay half the three per cents ($6 million) in July. Biddle hastened to Washington to secure a postponement; not, as he affirmed, for the sake of the bank, but for two other reasons: (1) that $9 million duty bonds would be payable July 1st, and the merchants would be put to inconvenience if the debt payment fell at that time; (2) a visitation of cholera was to be feared, which would derange industry; and the payment of the debt, with the recall of so much capital loaned to merchants, would add to the distress. The friends of the bank said that these reasons were good and sufficient. Its enemies said that they were specious, but were only pretexts. The Secretary agreed to defer the pay-

ment of $5 million of the three per cents until October 1st, the bank agreeing to pay the interest for three months.[1] This matter will be discussed below.

(9.) Incomplete number of directors. Biddle was both government director and elected director, so that there were only twenty-four in all.

(10.) Large expenditures for printing: $6,700 in 1830: $9,100 in 1831. From 1829, the date of Jackson's first attack, the bank spent money on pamphlets and newspapers to influence public opinion in its favor.

(11.) Large contingent expenditures. There was a contingent fund account, the footings of which, in 1832, were $6 million, to sink the losses of the first few years, the bonus, premiums on public stocks bought, banking house, etc., etc.

(12.) Loans to members of Congress in advance of appropriations. Adams objected to this as an evil practice. He said afterwards that the investigation into this point was dropped, because it was found that a large number of congressmen of both parties had had loans.

(13.) Refusal to give a list of stockholders resident in Connecticut, so that that State might collect taxes from them on their stock.

(14.) Usurpation of the control of the bank by the exchange committee of the board of directors, to the exclusion of the other directors. This charge was denied.

In all this tedious catalogue of charges we can find nothing but frivolous complaints and ignorant criticism successfully refuted, except when we touch the branch drafts. The majority of the committee, if all their

[1] Document D.

points are taken together, thought that the bank ought to lend the public deposits liberally, and draw them in promptly when wanted to pay the debt, yet refuse no accommodation (especially to any one who was embarrassed), not sell its public stocks, not increase its circulation, not draw in its loans, not part with its specie, not draw on the debtor branches in the West, not press the debtor state banks, and not contract any temporary loans. The student of the evidence and reports of 1832, *if he believes the bank's statements in the evidence*, will say that the bank was triumphantly vindicated. Two facts, however, are very striking: (1) The most important of the charges against which the bank successfully defended itself in 1832 were the very acts of which it was guilty in 1837–38, and they were what ruined it; these were the second charge, which involved Whitney's veracity, and the fourteenth charge, which the bank denied. (2) Whether the bank was thoroughly sincere and above-board in these matters is a question on which an unpleasant doubt is thrown by the certainty that it was not thoroughly honest in some other matters. In regard to the three per cents, it is certain that Biddle wanted to defer the payment for the sake of the bank. He was embarrassed already by the debt of the Western branches, which had been produced by the operation of the branch drafts. Their effect was just beginning to tell seriously. There was a great movement of free capital in the form of specie to this country in 1830, on account of revolutions in Europe. In 1830 and 1831 the United States paid its stock note in the capital of the bank. Capital was easy to borrow. In October, 1831, a certain stringency set in. The branch drafts were transferring the capital of the bank

to the Western branches, and locking it up there in accommodation paper, indefinitely extended by drawing and redrawing. Biddle could not make the Western branches pay. He was forced to curtail the Eastern branches. At such a juncture it was impossible for him to see with equanimity a debt which bore only three per cent interest paid off at one hundred, when the market rate was seven or eight per cent. He wanted to get possession of that capital. Even before he received notice that the three per cents were to be paid, he tried to negotiate with Ludlow, the representative of a large number of holders of the three per cents, for the purchase of the same. Ludlow had not power to sell.[1] Great consequences hung on the strait into which the branch drafts had pushed the bank, and this measure of relief to which Biddle had recourse. Biddle was too plausible. In any emergency he was ready to write a letter or report, to smooth things over, and present a good face in spite of facts. Any one who has carefully studied the history of the bank, and Biddle's "statements," will come to every statement of his with a disagreeable sense of suspicion. It is by no means certain, whatever the true explanation of the contradiction may be, that Whitney told a lie in the matter in which his word and Biddle's were opposed.

Biddle's theory of bank-note issues was vicious and false. He thought that the business of a bank was to furnish a paper medium for trade and commerce. He thought that this medium served as a token and record of transactions, the exchange turning upon itself, as it were, so that the transactions to be accomplished called out the paper, and when accomplished brought the paper

[1] Polk's Minority Report, 1833, Document E.

back. There could then be no inflation of the paper, if it was only put out as demanded for real transactions. Therefore he never distinguished between bills of exchange and money, or the true paper surrogate for money, which is constantly and directly interchangeable with money, so that it cannot degenerate into a negotiable instrument like notes and bills. His management of the bank was a test of his theory on a grand scale. The branch drafts were a special test of it. It was proven that they had none of the character of convertible bank-notes or money, but were instruments of credit, and, like all instruments of credit which have cut loose from actual redemption in capital, there was no more limit to their possible inflation than to the infinity of human hopes and human desires. Only a few months after this investigation, November, 1832, the president of the Nashville branch wrote to Biddle, "Be assured, sir, that we are as well convinced as you are that too many bills are offered and purchased, — amounting to more than the present crop of cotton and tobacco will pay; I mean, before all these papers are taken up." It does not appear that, in the spring of 1832, Biddle yet perceived the operation of the branch drafts, and it could not be said that sincerity required that he should avow a mistake to a hostile committee; but his letter to Clayton, appended to the report of 1832, is meretricious and dazzling, calculated to repel investigation and cover up weakness by a sensational assertion. "The whole policy of the bank for the last six months has been exclusively protective and conservative, calculated to mitigate suffering and yet avert danger." He sketches out in broad and bold outlines the national and international relations of American industry and commerce,

and the financial relations of the Treasury, with the bank enthroned over all as the financial providence of the country. This kind of writing had a great effect on the uninitiated. Who could dispute with a man who thus handled all the public and private finance of the whole country as a school-master would tell boys how to do a sum in long division? However, it was all humbug, and especially that part which represented the bank as watching over, and caring for the public. As Gouge most justly remarked, after quoting some of Biddle's rhetoric: "The true basis of the interior trade of the United States is the fertility of the soil and the industry of the people. The sun would shine, the streams would flow, and the earth would yield her increase, if the Bank of the United States was not in existence."[1] If the bank had been strong, Biddle's explanations would all have been meretricious; as it was, the bank had been quite fully occupied in 1831–32 in taking care of itself, mitigating its own sufferings and averting its own dangers.

No doubt the bank was the chief sufferer from the shocks inflicted on the money market by the sudden and heavy payments on the public debt. Long credits were given for duties. When paid they passed into the bank as public deposits. They were loaned again to merchants to pay new duties, so that one credit was piled upon another already in this part of the arrangement. Then the deposits were called in to meet drafts of the Treasury to pay the debt, and so passed to the former fund-holders. These latter next entered the money market as investors, and the capital passed into new employments. Therefore Benton's argument, which all the

[1] Gouge, 56.

anti-bank men caught up, that the financial heats and chills of this period were certainly due to the malice of the bank, is of no force at all. The disturbances were such, they necessarily lasted so long, and they finally settled down to such uncalculable final effects that all such deductions as Benton made were unwarranted. A public debt is not a blessing, but it is not as great a curse as a public surplus, and it is very possible to pay off a debt too rapidly. We shall, on two or three further occasions in this history, find the "public deposits" banging about the money market like a cannon ball loose in the hold of a ship in a high wind.

While the committee was investigating the bank the political strife was growing more intense, and every chance of dealing dispassionately with the question of recharter had passed away. In January, Van Buren's nomination as minister to England was rejected by the Senate.[1] The Legislature of New York had passed resolutions against the recharter of the bank.[2] This hurt Van Buren in Pennsylvania. Such was the strange combination of feelings and convictions at this time that Jackson could demolish the bank without shaking his hold on Pennsylvania, but Van Buren was never forgiven for the action of his State against the bank. It illustrated again the observation made above, that the popular idol enjoys an unreasonable immunity, while others may be held to an unreasonable responsibility. All Jackson's intensest personal feelings, as well as the choice of the kitchen cabinet, now converged on Van Buren's nomination. The Seminole war grudge, hatred of Calhoun, the Eaton scandal, and animosity to the Senate contributed towards this end.

[1] See page 161.

[2] 2 Hammond, 351.

Parton gives us one of Lewis's letters, which shows the wire-pulling which preceded the first democratic convention. Kendall was in New Hampshire in the spring of 1831. Lewis wrote to him to propose that a convention should be held in May, 1832, to nominate Van Buren for Vice-President. He suggested that the New Hampshire Legislature should be prompted to propose it. Kendall arranged this and wrote a letter, giving an account of the meeting, resolutions, etc., which was published anonymously in the "Globe," July 6, 1831. The "Globe" took up the proposition and approved of it. The convention met at Baltimore, May 21, 1832. John H. Eaton was a delegate to the convention. He intended to vote against Van Buren, for, although Van Buren had taken Mrs. Eaton's part, he had not won Eaton's affection. Lewis wrote to Eaton that he must not vote against Van Buren "unless he was prepared to quarrel with the general." Van Buren was nominated by 260 votes out of 326. The "spontaneous unanimity" of this convention was produced by the will of Andrew Jackson and the energetic discipline of the kitchen cabinet. It may well be doubted whether, without Jackson's support, Van Buren could have got 260 votes for President or Vice-President in the whole United States, in 1832. The "Globe" dragooned the whole Jackson party into the support of Van Buren, not without considerable trouble. The convention adopted an address prepared by Kendall, containing a review of Jackson's first administration.[1]

May 7, 1832, a national republican convention of young men met in Washington. William Cost Johnson was president. The convention ratified the nomination

[1] Kendall's *Autobiography*, 296.

of Clay and Sergeant, and passed a series of resolutions in favor of tariff and internal improvements, and approving the rejection of Van Buren's nomination.[1]

During the spring and summer Biddle took quarters in Washington, from which he directed the congressional campaign on behalf of the recharter. He was then at the zenith of his power and fame, and enjoyed real renown in Europe and America. He and Jackson were pitted against each other personally. Biddle, however, put a letter in Livingston's[2] hands, stating that he would accept any charter to which Jackson would consent.[3] Jackson never fought for compromises, and nothing was heard of this letter. Jackson drew up a queer plan of a "bank," which he thought constitutional and suitable, but it remained in his drawer.[4] The anti-bank men affirmed that Biddle was corrupting Congress.

The charter passed the Senate June 11th, 28 to 20, and the House, July 3d, 107 to 85. It was sent to the President July 4th. The Senate voted to adjourn July 16th. It was a clever device of theirs to force Jackson to sign or veto by giving him more than ten days. They wanted to force him to a direct issue. It is not probable that there was room for his will to be any further stimulated by this kind of manœuvring, but he never flinched from a direct issue, and the only effect was to put him where he would have risked his reëlection and everything else on a defiant reply to the challenge

[1] 42 Niles, 206, 236.

[2] Livingston was on the side of the bank. (Hunt's *Livingston*, 353.)

[3] Ingersoll, 268. On the same page it is said that Biddle was talked of for President of the United States.

[4] Ingersoll, 283.

offered. Niles says[1] that, a week before the bill passed, the best informed were "as six to half a dozen," whether the bill, if passed, would be vetoed, but that, for the two or three days before the bill was sent up, a veto was confidently expected. The veto was sent in, July 10th.[2] The reasons given for it were: (1) The bank would have a monopoly for which the bonus was no equivalent. (2) One fifth of the stockholders were foreigners. (3) Banks were to be allowed to pay the Bank of the United States in branch drafts, which individuals could not do. (4) The States were allowed to tax the stock of the bank owned by their citizens, which would cause the stock to go out of the country. (5) The few stockholders here would then control it. (6) The charter was unconstitutional. (7) The business of the bank would be exempt from taxation. (8) There were strong suspicions of mismanagement in the bank. (9) The President could have given a better plan. (10) The bank would increase the distinction between rich and poor.

The bill was put to vote in the Senate July 13th, but failed of two thirds (22 to 19). If the bank was to continue to exist it was now necessary to defeat Jackson. The state bank interest, however, had now been aroused to the great gain it would make if the Bank of the United States should be overthrown. The Jackson party thereby won the adhesion of an important faction. The safety-fund banks of New York were bound into a solid phalanx by their system, and they constituted a great po-

[1] 42 Niles, 337.

[2] Congress has chartered national banks as follows: 1791, 1815 (vetoed), 1816, 1832 (vetoed), 1841, two bills, both vetoed, 1863.

litical power. The chief crime alleged against the Bank of the United States was meddling with politics. The safety-fund banks of New York were an active political power under Van Buren's control, and they went into this election animated by the hope of a share in the deposits. The great bank also distributed pamphlets and subsidized newspapers, fighting for its existence. The Jackson men always denounced this action of the Bank of the United States as corrupt, and as proof of the truth of Jackson's charges.

Jackson got 219 electoral votes; Clay, 49; Floyd, 11 (of South Carolina, the nullification ticket); Wirt, 7 (of Vermont). There were two vacancies (in Maryland). Clay carried Massachusetts, Rhode Island, Connecticut, Delaware, and Kentucky, and five votes in Maryland. For Vice-President Van Buren got 189. Pennsylvania would not vote for him. She gave her 30 votes to William Wilkins. Sergeant got 49 votes; Henry Lee, of Massachusetts, 11 (of South Carolina); Ellmaker, 7. At this election South Carolina alone threw her vote by her Legislature. The popular vote was 707,217 for Jackson; 328,561 for Clay; 254,720 for Wirt. Jackson's majority, in a total vote (excluding South Carolina) of 1,290,498, was 123,936. In Alabama there was no anti-Jackson ticket.

CHAPTER XIII.

TARIFF, NULLIFICATION, AND BANK DURING JACKSON'S SECOND ADMINISTRATION.

General Jackson now advanced to another development of his political philosophy and his political art. No government which has felt itself strong has ever had the self-control to practice faithfully the non-interference theory. A popular idol at the head of a democratic republic is one of the last political organs to do so. The belief in himself is of course for him a natural product of the situation, and he is quite ready to believe, as he is constantly told, that he can make the people happy, and can "save the country" from evil and designing persons, namely, those who do not join the chorus of adulation. A President of the United States, under existing social and economic circumstances, has no chance whatever to play the *rôle* of Cæsar or Napoleon, but he may practise the methods of personal government within the limits of the situation. Jackson held that his reëlection was a triumphant vindication of him in all the points in which he had been engaged in controversy with anybody, and a kind of charter to him, as representative, or rather tribune, of the people, to go on and govern on his own judgment over and against everybody, including Congress. His action about the Cherokee Indians, his attitude to the Supreme Court, his construction of his duties under the

Constitution, his vetoes of internal improvements and the bank, his defence of Mrs. Eaton, his attitude toward Calhoun and Clay, his discontent with the Senate, all things, great and small, in which he had been active and interested, were held to be covered and passed upon by the voice of the people in his reëlection.[1] Adulation and success had already done much to make Jackson a dangerous man. After his reëlection, his self-confidence and self-will became tenfold greater.[2] Moreover, his intimates and confidential advisers, Kendall, Lewis, Blair, and Hill, won more confidence in themselves, and handled their power with greater freedom and certainty. It has already been shown in this history that they were perfect masters of the art of party organization, and they had a strong hatred of the bank; but they had no statesman-like ideas in finance or public policy, and they governed by playing on the prejudices and vanity of Jackson.

[1] We may test this theory in regard to one point, the bank. The Legislature of Pennsylvania, on the 2d of February, 1832, within eight months of the election at which Jackson got three fifths of the vote of Pennsylvania, instructed the senators and representatives in Congress from that State, by a unanimous vote in the Senate, and by 77 to 7 in the House, to secure the recharter of the bank.

[2] "The truth is, I consider the President intoxicated with power and flattery." "All the circumstances around him [when he came to office] were calculated to make him entertain an exalted opinion of himself, and a contemptuous one of others. His own natural passions contributed to this result." (Duane, 133, under date October, 1833.) "There is a tone of insolence and insult in his intercourse with both Houses of Congress, especially since his reëlection, which never was witnessed between the Executive and the Legislature before." (9 Adams, 51 : December 12, 1833.)

Jackson's modes of action in his second term were those of personal government. He proceeded avowedly, on his own initiative and responsibility, to experiment, as Napoleon did, with great public institutions and interests. It came in his way to do some good, to check some bad tendencies and to strengthen some good ones; but the moment the historian tries to analyze these acts, and to bring them for purposes of generalization into relations with the stand-point or doctrine by which Jackson acted, that moment he perceives that Jackson acted from spite, pique, instinct, prejudice, or emotion, and the influence he exerted sinks to the nature of an incident or an accident. Then, although we believe in personal liberty with responsibility, and in free institutions; although we believe that no modern free state can exist without wide popular rights; although we believe in the non-interference theory, and oppose the extension of state action to internal improvements and tariffs; although we recognize the dreadful evils of bad banking and fluctuating currency; and although we believe that the Union is absolutely the first political interest of the American people, yet, if we think that intelligent deliberation and disciplined reason ought to control the civil affairs of a civilized state, we must say of Jackson that he stumbled along through a magnificent career, now and then taking up a chance without really appreciating it; leaving behind him distorted and discordant elements of good and ill, just fit to produce turmoil and disaster in the future. We have already seen, in some cases, what was the tyranny of his popularity. It crushed out reason and common sense. To the gravest arguments and remonstrances, the answer was, literally, "Hurrah for Jackson!" Is,

then, that a sound state of things for any civilized state? Is that the sense of democracy? Is a democratic republic working fairly and truly by its theory in such a case? Representative institutions are degraded on the Jacksonian theory, just as they are on the divine-right theory, or on the theory of the democratic empire. There is not a worse perversion of the American system of government conceivable than to regard the President as the tribune of the people, endowed by his election with prerogative to check, warn, correct, guide, and watch the representatives of the nation in Congress assembled.

One of the most remarkable modes of personal rule employed by Jackson was the perfection and refinement given to the "organ" as an institution of democratic government. In the hands of Blair the "Globe" came to be a terrible power. Every office-holder signed his allegiance by taking the "Globe." In it both friend and foe found daily utterances from the White House *à propos* of every topic of political interest. The suggestions, innuendoes, queries, quips, and sarcasms of the "Globe" were scanned by the men who desired to recommend themselves by the zeal which anticipates, and the subserviency which can even dispense with, a command. The editorials scarcely veiled their inspiration and authorization. The President issued a message to his party every day. He told the political news confidentially, and in advance of the mere newspapers, while deriding and denouncing his enemies, praising the adherents who pleased him, and checking, warning, or stimulating all as he thought best to promote discipline and efficiency. When we say "he" did it, we speak, of course, figuratively. If it was Blair's voice, Jackson

ratified it. If it was Jackson's will, Blair promulgated it.

The South Carolinians thought that the limit of proper delay and constitutional agitation had been reached when the tariff of July, 1832, was passed. In the year 1832 the nullifiers, for the first time, got control of South Carolina. The Legislature was convened, by special proclamation for the 22d of October 1832, — a month earlier than usual. An act was passed, October 25th, ordering a convention to be held on the 19th of November. The Legislature then adjourned until its regular day of meeting, the fourth Monday in November. The convention met as ordered; Governor Hamilton was president of it. It adopted an ordinance that the acts of Congress of May 19, 1828, and July 14, 1832, were null and void in South Carolina. These proceedings conformed to a theory of the practice of nullification which the South Carolina doctrinaires had wrought out: namely, that the Legislature could not nullify, but that a convention, being the State in some more original capacity, and embodying the "sovereignty" in a purer emanation, could do so. The theory and practice of nullification was a triumph of metaphysical politics. The South Carolinians went through the evolutions, by which, as they had persuaded themselves, nullification could be made a constitutional remedy, with a solemnity which was either edifying or ridiculous, according as one forgot or remembered that the adverse party attached no significance to the evolutions.

The ordinance provided that no appeal from a South Carolina court to a federal court should be allowed in any case arising under any of the laws passed in pursuance of the ordinance; such an appeal to be a

contempt of court. All officers and jurors were to take an oath to the ordinance. South Carolina would secede if the United States should attempt to enforce anything contrary to the ordinance. November 27th the Legislature met again, and passed the laws requisite to put the ordinance in operation. Goods seized by the custom-house officers might be replevied. Militia and volunteers might be called out. A thousand stand of arms were to be purchased.

A Union convention met at Columbia early in December. It declared itself ready to support the federal government. It appeared, therefore, that there would be civil war in South Carolina. The Union men were strong in Charleston and in the Western counties.

Jackson immediately took up the defiance which South Carolina had offered to the federal government. He ordered General Scott to Charleston, and caused troops to collect within convenient distance, although not so as to provoke a collision. He ordered two war vessels to Charleston. He issued, December 10th, a proclamation to the people of South Carolina. It was written by Livingston, who, as we have seen,[1] had taken up a position against nullification more than two years before. He represented the only tariff State in the South, — Louisiana. It has been asserted that Jackson did not like the constitutional doctrines of the proclamation, which are Madisonian federalist, and not such as he had held, but that he let the paper pass on account of the lack of time to modify it.[2] There is nothing of

[1] See page 214.

[2] Lewis in 3 Parton, 466; Tyler's *Taney*, 188. Taney recorded, in 1861, that he should have objected to some of the doctrines of the proclamation, if he had been in Washington at the time. (*Ibid.*)

the Jacksonian temper in the document. It is strong, moderate, eloquent, and, at last, even pathetic.[1] It is very long: The following passage is perhaps the most important in it: "I consider the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed." This proclamation voiced the opinion and feeling of the whole country, except the nullifiers in South Carolina and a few of their comrades in other Southern States. The dignified tone of the paper was especially satisfactory. It was the right tone to take to men who had allowed their passionate temper to commit them to unworthy and boyish proceedings, and who had sought a remedy for civil grievances in acts which made liberty and security impossible. Jackson found himself a national civil hero for once, and he enjoyed the plaudits of people who had detested him the most earnestly. He lives in popular memory and tradition chiefly as the man who put down this treason, but the historian must remember that, if Jackson had done his duty in regard to Georgia and the Indians, nullification would never have attained any strength. The Southerners were astonished at the proclamation. It seemed to them inconsistent, even treacherous.[2] The constitutional theories were not at all such as Jackson had been understood to hold. They ascribed Jackson's attitude on this

[1] Jackson contributed a suggestion of the pathos. (Hunt's *Livingston*, 373.)

[2] Hodgson, 173. Cf. Resolution of the South Carolina Legislature, 43 Niles, 300.

question to hatred of Calhoun. Old John Randolph, who was in a dying condition, roused himself as the champion of state rights, although he had been a strong adherent of Jackson, and went through the counties of Virginia, in which he had once been a power, in his carriage, to try to arouse the people to resist the dangerous doctrines of the proclamation,[1] and yet to uphold the Union.

December 20th, Governor Hayne of South Carolina issued a proclamation in answer to Jackson's. Calhoun resigned the vice-presidency, December 28th. He was elected senator in Hayne's place. He had been Vice-President for eight years. He now returned to the floor and to active work. He never afterwards took position in any party. He was an isolated man, who formed alliances to further his ends. South Carolina also remained an isolated State until 1840, when she voted for Van Buren and came back into the ranks. Calhoun seemed to have lost the talent for practical statesmanship which he had shown in his earlier years. He involved himself tighter and tighter in spinnings of political mysticism and fantastic speculation. Harriet Martineau calls him a cast-iron man, and describes his eager, absorbed, over-speculative type of conversation and bearing, even in society.[2] "I know of no man who lives in such utter intellectual solitude. He meets men and harangues them by the fireside as in the Senate. He is wrought like a piece of machinery, set going vehemently by a weight, and stops while you answer. He either passes by what you say, or twists it into suitability with what is in his head, and begins to lecture

[1] 2 Garland's *Randolph*, 360.

[2] 1 Martineau, *Western Travel*, 148.

again." He "is as full as ever of his nullification doctrines [1836], and those who know the force that is in him, and his utter incapacity of modification by other minds, . . . will no more expect repose and self-retention from him than from a volcano in full force. Relaxation is no longer in the power of his will. I never saw any one who so completely gave me the idea of possession."

In his message of 1832, Jackson said that the protective system must ultimately be limited to the commodities needed in war. Beyond this limit that system had already produced discontent. He suggested that the subject should be reviewed in a disposition to dispose of it justly. December 13th the Senate called on the Secretary of the Treasury to propose a tariff bill. December 27th, in the House, the Committee on Ways and Means reported a bill based on the Secretary's views. It proposed an immediate and sweeping reduction, with a further reduction, after 1834, to a "horizontal" rate of fifteen per cent or twenty per cent. January 16, 1833, Jackson sent in a message, in which he informed Congress of the proceedings of South Carolina, and asked for power to remove the custom house and to hold goods for customs by military force; also for provisions that federal courts should have exclusive jurisdiction of revenue cases, and that the Circuit Court of the United States might remove revenue cases from state courts. Calhoun, in reply to this message, declared that South Carolina was not hostile to the Union, and he made one unanswerable point against Jackson's position. Jackson had referred to the Supreme Court as the proper authority to decide the constitutionality of the tariff. The nullifiers had always wished to get the

tariff before the Supreme Court, but there was no way to do so. The first tariff of 1789 was preceded by a preamble, in which the protection of domestic manufactures was specified as one of the purposes of the act, but this form had not been continued. The anti-tariff men tried to have such a preamble prefixed to the tariff act of 1828, but the tariff majority voted it down. Congress had unquestioned power to lay taxes. How could it be ascertained what the purpose of the majority in Congress was, when they voted for a certain tax law? How could the constitutionality of a law be tried, when it turned on the question of this purpose, which, in the nature of the case, was mixed and unavowed?[1] It was not, therefore, fair to represent the nullifiers as neglecting an obvious and adequate legal remedy. A grand debate on constitutional theories arose out of Calhoun's criticism of Jackson's message and proclamation. Calhoun, Grundy, and Clayton each offered a set of resolutions,[2] and a flood of metaphysical dogmatizing about constitutional law was let loose. As it began nowhere, it ended nowhere. In these disputes, the disputants always carefully lay down, in their resolutions about "the great underlying principles of the Constitution," those premises, which will sustain the deductions which the disputant in question wants to arrive at for the support of his interests. In the mean time the merits of the particular question are untouched. To inform one's self on the merits of the question would require patient labor. To dogmatize on "great prin-

[1] The principle is covered fully by the decision in Loan Association *vs.* Topeka (20 Wallace, 655), but the practical difficulty probably remains.

[2] 43 Niles, *Supp.* 222. The debate is there given

ciples" and settle the question by an inference is easy. Consequently, the latter method will not soon be abandoned.

On the 21st of January, 1833, a bill for enforcing the collection of the revenue was reported to the Senate. It gave the powers and made the provisions which Jackson had asked for. On the next day Calhoun introduced his resolutions: that the States are united "as parties to a constitutional compact;" that the acts of the general government, outside of the defined powers given to it, are void; that each State may judge when the compact is broken; that the theory that the people of the United States "are now or ever have been united on the principle of the social compact, and as such are now formed into one nation or people," is erroneous, false in history and reason. It would only be tedious to cite the other resolutions offered. Webster was good enough lawyer to get tired of the metaphysics very soon. Hodgson says that he withdrew, defeated by Calhoun.[1] The appearance of the "social compact" as an understood and accepted element of political philosophy is worth noting.

The state Legislatures also passed resolutions. Massachusetts, Connecticut, Delaware, New York, Missouri, Tennessee, and Indiana pronounced against nullification; North Carolina and Alabama against nullification and tariff; Georgia against the tariff, also that nullification is unconstitutional, and that a convention of the Gulf States should be held; New Hampshire, that the tariff should be reduced; Massachusetts, Rhode Island, Vermont, New Jersey, and Pennsylvania, that the tariff

[1] Hodgson, 174.

ought not to be reduced. Virginia offered to mediate between the United States and South Carolina.[1]

The House was at work on the tariff during January. February 12th, Clay introduced the compromise tariff in the Senate, to supersede all other propositions and be a final solution of all pending troubles. Of all the duties which were over twenty per cent by the act of July 14, 1832, one tenth of the excess over twenty per cent was to be struck off after September 30, 1835, and one tenth each alternate year thereafter until 1841. Then one half the remaining excess was to be taken off, and in 1842 the tax would be reduced to twenty per cent as a horizontal rate, with a large free list, home valuation, and no credit. Credit for duties worked very mischievously. An importer sold his goods before he paid his duties. The price he obtained contained the duties which he had not yet paid. Hence he was able to get capital from the public with which to carry on his business. In the end perhaps he became bankrupt, and did not pay the duties at all. In 1831 a report from the Treasury stated the duty bonds in suit at $6.8 million, of which only $1 million was estimated to be collectible. Clay's compromise, as first drawn, had a preamble, in which it was stated that, after March 3, 1840, all duties should be equal, "and solely for the purpose and with the intent of providing such revenue as may be necessary to an economical expenditure by the government, without regard to the protection or encouragement of any branch of domestic industry whatever."[2]

Webster objected to the horizontal rate, and to an attempt to pledge future Congresses. He was now reduced, after having previously made some of the most

[1] 8 *Ann. Reg.* 48. [2] 1 Curtis's *Webster*, 434, 455.

masterly arguments ever made for free trade, to defend protection by such devices as he could. Now he derided Adam Smith and the other economists.[1] He first paltered with his convictions on the tariff, and broke his moral stamina by so doing. Many of the people who have been so much astonished at his "sudden" apostasy on slavery would understand it more easily if their own judgment was more open to appreciate his earlier apostasy on free trade. February 13th, he introduced resolutions against the compromise.[2]

The enforcing act passed the Senate, February 20, 1833, by 32 to 8. On the 21st the compromise tariff was taken up in the Senate. On the 25th the House recommitted the tariff bill which was there pending, with instructions to the committee to report the compromise bill. On the 26th the latter was passed, 119 to 85. On the same day the Senate laid Clay's bill on the table, took up the same bill in the copy sent up from the House, and passed it, 29 to 16. On the 27th the House passed the enforcing bill, 111 to 40. Thus the olive branch and the rod were bound up together.

There was one moment in January when ex-Governor Hamilton seemed ready to precipitate a conflict, and when Governor Hayne seemed ready to support him;[3] but the leading nullifiers determined to wait until Congress adjourned. February 1st was the day appointed for nullification to go into effect, but all action was postponed. The Legislature replied to Jackson's proclamation by a series of resolutions which charged him with usurpation and tyranny.[4] Jackson was annoyed

[1] 1 Webster's *Correspondence*, 501.

[2] 43 Niles, 406.

[3] 8 *Ann. Reg.* 290.

[4] 43 Niles, 300.

by these resolutions, and made threats against the leading nullifiers in January. The Governor had summoned the convention to meet again on March 11th. The compromise tariff was regarded as a substantial victory. It became a law on March 3d, the day on which the tariff of July 14, 1832, went into effect. The convention repealed the ordinance of nullification, passed another ordinance nullifying the enforcement act, and adjourned. It is not quite clear whether the last act was a bit of fireworks to fête the conclusion of the trouble, or was seriously meant. If it was serious, it strongly illustrated the defective sense of humor which characterized all the proceedings of the nullifiers. The gentlemen who had nullified a tax, and then nullified a contingent declaration of war, would probably, in the next stage, have tried, by ordinance, to nullify a battle and a defeat.

The compromise tariff settled nothing. The fact was that Clay had been driven, by the rapacity of the protected interests, to a point from which he could neither advance nor recede, and Calhoun had been driven by the nullification enterprise into a similar untenable position. Benton says that Calhoun was afraid of Jackson, who had threatened to hang the nullifiers. Curtis, on the authority of Crittenden, says that Calhoun, in alarm, sought an interview with Clay, and that Clay intervened.[1] They met and patched up the compromise, by which they opened an escape for each other. For ten years afterwards they wrangled, in the Senate, over the question who was in the worse predicament and who won most in 1833. Clay claimed that he rescued protection from the slaughter which awaited it in Ver-

[1] 1 Curtis's *Webster*, 444.

planck's bill. Calhoun claimed that the compromise tariff was a free-trade victory, won by nullification. Clay said that he made the compromise out of pity for Calhoun and South Carolina, who were in peril. Calhoun said that nullification killed the tariff, and that Clay was flat on his back until Calhoun helped him to rise and escape by the compromise. The protected interests were as angry with Clay as if he had never served them. They accused him of treachery. He never gained anything by his devotion to protection. He was right at least in saying that protection would have been overthrown in 1833 if it had not been for the compromise tariff.[1]

Jackson's animosity towards the bank, in the autumn of 1832, had gathered the intensity and bull-dog ferocity which he always felt for an enemy engaged in active resistance. In the matter of the three per cents, the bank gave him a chance of attack. In July General Cadwallader was sent to Europe to try to negotiate with the holders of the three per cents for an extension of the loan for a year beyond October, the bank becoming the debtor, and paying, if necessary, four per cent on the extension. The bank, then, instead of paying the debt for the government, desired to intrude itself into the position of the Treasury, and extend a loan which the Treasury wanted to pay. Its object of course was to get a loan at three or four per cent. This proceeding was obviously open to grave censure. The obligation of the Treasury would not cease, although the bank would have taken the public money appropriated to the

[1] See a speech by Clayton on Hugh L. White's action, October 5, 1842. (63 Niles, 106.) Parton (III. 478) has the same story.

payment of the debt. Five million dollars were in fact transferred, in October, to the Redemption of the Public Debt Account. It seems to be indisputable that the bank, in this matter, abused its relation to the Treasury as depository of the public funds. August 22d General Cadwallader made an arrangement with the Barings, by which they were to pay off all the holders of the stocks who were not willing to extend them and take the bank as debtor. The Barings bought $1,798,597, and extended $2,376,481. The arrangement with the Barings was to be secret, but it was published in a New York paper, October 11th. October 15th, Biddle repudiated the contract, because, under it, the bank would become a purchaser of public stocks, contrary to the charter. Would he have repudiated the contract if it had not been published?

The message of 1832 was temperate in tone, but very severe against the bank. The President interpreted the eagerness of the bank to get possession of the three per cents as a sign of weakness, and he urged Congress to make a "serious investigation" to see whether the public deposits were safe. An agent, Henry Toland, was appointed to investigate on behalf of the Treasury. He reported favorably to the bank. The Committee on Ways and Means also investigated the bank. The President's message created considerable alarm for a time, and, at some places, there were signs of a run on the branches.[1] February 13, 1833, Polk reported a bill to sell the stock owned by the nation in the bank. It was rejected, 102 to 91. The majority of the Committee on Ways and Means reported (Verplanck's report) that the bank was sound and that the deposits were safe.

[1] 43 Niles, 315.

On January 1, 1833, the assets were $80.8 million, the liabilities $37.8 million; leaving $43 million to pay $35 million of capital. The circulation was $17.5 million; specie $9 million. The state banks were estimated to have $68 million circulation and $10 million or $11 million specie. The minority report (Polk's) doubted if the assets were all good, and hence doubted the solvency of the bank. It referred to the Western debts, and the minority gave, in a supplemental report, evidence of the character of these debts. The committee investigated the proceedings of the bank in relation to the three per cents. The minority reported that they could not find out clearly what was the final arrangement made by the bank, but it appeared that the certificates had been surrendered, and that the bank had, by and through the former transaction, obtained a loan in Europe. The majority said that the bank had receded from the project, and that there was nothing more to say about it.[1]

October 4, 1832, Biddle informed the directors that the bank was strong enough to relax the orders given to the Western branches, in the previous winter, to contract their loans and remit eastward. He then supposed that the arrangement with the Barings about the three per cents had been concluded. The Western affairs, however, were at this time approaching a crisis. The supplementary report (Polk's) by the minority of the Committee on Ways and Means, March 2, 1833,[2] contains conclusive evidence that the Western branches were in a very critical condition; that there had been drawing and redrawing between the branches, and that Biddle knew it. The directors had testified to the

[1] Document E.

[2] *Ibid.*

committee that they knew nothing of any such proceedings. Some of the most important points in evidence are as follows. September 11, 1832, the cashier of the branch at Lexington, Kentucky, wrote that he was enduring a run. Two hundred and seventy-five thousand dollars were sent to him from Philadelphia, Louisville, St. Louis, New Orleans, and Natchez. A letter from Biddle to the president of the Nashville branch, dated November 20, 1832, shows plainly that he knew that redrawing was going on. In a letter from the president of the Nashville branch, November 22d, the following passage occurs: "We will not be able to get the debts due this office paid; indeed, if any, it will be a small part; the means are not in the country." The same branch officer, in a letter of November 24th, plainly states that he had been forced to collect drafts drawn on him by the parent bank, and the New York, Baltimore, Washington, Richmond, Pittsburgh, Cincinnati, Louisville, and Lexington branches, and that he could not prevent a protest save by redrawing on New Orleans. Again, November 26th, he states that he had, within a year, collected drafts for a million dollars for the bank and branches, "which, with small exceptions, have been paid through our bill operations." The majority of the committee of 1832–33 had interpreted the fluctuations in the amount of bills at Nashville as proof that, when the crops came in, the debts were cancelled. The minority show that these fluctuations were due to the presence of the "racers" at one or the other end of the course. It is quite beyond question that a mass of accommodation bills were chasing each other from branch to branch in the years 1832–33, and that they formed a mass of debt, which the bank could not, for the time, control.

March 2, 1833, the House adopted, 109 to 46, a resolution that the deposits might safely be continued in the bank. The reports of the committee had not been carefully considered by anybody. The bank question was now a party question, and men voted on it according to party, not according to evidence. Whatever force might be attributed to any of the facts brought out by Polk in the minority report, it does not appear that anybody in Congress really thought that the bank was insolvent and the deposits in danger. His supplemental report bears date March 2d. Polk did not propose to withdraw the deposits. He wanted to avoid any positive action. McDuffie objected to this policy that, if Congress took no action, Jackson would remove the deposits on the principle that silence gives consent.[1]

The first instalment of the payment by France was due February 2, 1833. The Secretary of the Treasury did not draw until February 7th. Then he drew a sight draft, which he sold to the bank for $961,240.30. Congress, March 2d, passed an act ordering the Secretary to loan this sum at interest. The treaty of July 4, 1831, was unpopular in France, and the French Chambers had not passed any appropriation to meet the payments provided for in it. The draft was therefore protested, and was taken up by Hottinger for the bank, because it bore the indorsement of the bank. The bank had put the money to the credit of the Treasury, and it claimed to prove, by quoting the account, that the funds had been drawn. Hence it declared that it was out of funds for twice the amount of the bill. It demanded fifteen per cent damages under an old law of Maryland, which was the law of the District of Columbia. The Treas-

[1] 44 Niles, 108.

ury paid the amount of the bill, and offered to pay the actual loss incurred. July 8, 1834, Biddle informed the Secretary of the Treasury that the sum of $170,041 would be retained out of a three and a half per cent dividend payable July 17th, on the stock owned by the United States. March 2, 1838, the United States brought suit against the bank, in the federal Circuit Court of Pennsylvania, for the sum so withheld. It got judgment for $251,243.54. The bank appealed to the Supreme Court, which, in 1844, reversed the judgment, finding that the bank was the true holder of the bill and entitled to damages.[1] On a new trial the Circuit Court gave judgment for the bank. The United States then appealed on the ground that a bill drawn by a government on a government was not subject to the law merchant. The Supreme Court sustained this view, in 1847, and again reversed the decision of the Circuit Court.[2] No further action was taken.

In the spring of 1833, McLane was transferred from the Treasury to the State Department. He was opposed to the removal of the deposits by executive act, which was now beginning to be urged in the inmost administration circles. William J. Duane, of Pennsylvania, was appointed Secretary of the Treasury. This appointment was Jackson's own personal act. He had admired Duane's father, the editor of the "Aurora," and he declared that the son was a chip of the old block. In this he was mistaken. Duane was a very different man from his father.[3] He was a lawyer of very good stand-

[1] 2 Howard, 711. [2] 5 Howard, 382.

[3] Parton obtained from William B. Lewis an inside account of the removal of the deposits. Duane wrote a full account of it, and there is another account in Kendall's *Autobiography*, but it is by the editor, and only at second hand from Kendall.

ing. He had never been a politician or office-holder, but had shunned that career. Lewis says that he does not know who first proposed the removal of the deposits, but that it began to be talked of in the inner administration circles soon after Jackson's second election. In the cabinet McLane and Cass were so earnestly opposed to the project that it was feared they would resign. McLane sent for Kendall to know why it was desired to execute such a project. This was before McLane left the Treasury. Kendall endeavored to persuade him. Cass finally said that he did not understand the question. Woodbury was neutral. Barry assented to the act, but brought no force to support it. Taney strongly supported the project. He was an old federalist, who had come into Jackson's party in 1824, on account of Jackson's letters to Monroe about non-partisan appointments.[1] He was Jackson's most trusted adviser in 1833: so his biographer says, and it seems to be true. Van Buren warmly opposed the removal at first. Kendall persuaded him. He seems to have faltered afterwards, but Kendall held him up to the point.[2] Benton warmly approved of the removal, but was not active in bringing it about. Lewis opposed it.

The proceeding is traced, by all the evidence, to Kendall and Blair as the moving spirits,[3] with Reuben M. Whitney as a coadjutor. These men had no public official responsibility. They certainly were not recognized by the nation as the men who ought to have a controlling influence on public affairs. They were animated by prejudice and rancor sixteen years old. Andrew Jackson's power and popularity, moving now

[1] Tyler's *Taney*, 158. [2] Kendall's *Autobiography*, 383.
[3] Kendall's *Autobiography*, 375.

under the impulse of the passions which animate an Indian on the war-path, were the engine with which these men battered down a great financial institution. The bank had been guilty of great financial errors, but they were not by any means beyond remedy. The Bank of England, at the same period, was guilty of great financial errors. Blair and Kendall were not working for sound finance. Blair's doctrine was that the bank would use the public deposits as a means of corrupting the political institutions of the country. If that were true, it proved the error of having a great surplus of public money in the Treasury, *i. e.*, in the bank. He said that the bank would corrupt Congress.[1] In August Duane wrote, "It is true that there is an irresponsible cabal that has more power than the people are aware of." "What I object to is that there is an under-current, a sly, whispering, slandering system pursued."[2] In his history of the matter, written five years later, he says: "I had heard rumors of the existence of an influence at Washington, unknown to the Constitution and to the country; and the conviction that they were well founded now became irresistible. I knew that four of the six members of the last cabinet and that four of the six members of the present cabinet opposed a removal of the deposits, and yet their exertions were nullified by individuals, whose intercourse with the President was clandestine. During his absence [in New England] several of those individuals called on me, and made many of the identical observations, in the identical language used by himself. They represented Congress as corruptible, and the new members as in need of special guidance. . . . In short, I felt satisfied,

[1] Lewis in 3 Parton, 503. [2] Duane, 130.

from all that I saw and heard, that factious and selfish views alone guided those who had influence with the Executive, and that the true welfare and honor of the country constituted no part of their objects." [1] Lewis gives a report of a conversation with Jackson, in which he (Lewis) tried to persuade Jackson to desist from the project. Jackson's points were, "I have no confidence in Congress." "If the bank is permitted to have the public money, there is no power that can prevent it from obtaining a charter; it will have it if it has to buy up all Congress, and the public funds would enable it to do so!" "If we leave the means of corruption in its hands, the presidential veto will avail nothing." [2] The statements in Kendall's "Autobiography" are in perfect accord with these. It is perfectly plain who was at the bottom of this project, what their motives were, how they set to work, how they gave a bias to Jackson's mind, and furnished him with arguments and phrases. It is also worthy of the most careful attention that they and Jackson were now busy "saving the country," holding in check the constitutional organs of the country, above all Congress; and that they were proceeding upon assumptions about the motives and purposes of the bank which were not true, and had not even been tested, and upon assumptions in regard to the character of Congress which were insulting to the nation. The Jeffersonian non-interference theories were now all left far behind. Jacksonian democracy was approaching already the Napoleonic type of the democratic empire, in which "the elect of the nation" is charged to protect the state against everybody, chiefly, however, against any constitutional organs.

[1] Duane, 9. [2] Lewis in 3 Parton, 505 fg.

On the first day of Duane's official life, June 1, 1833, Whitney called on him, obviously in a certain ambassadorial capacity, and made known to him the project to remove the deposits from the bank, and to use state banks as depositories and fiscal agents. A few days later Jackson started on a progress through New England. The recent overthrow of nullification had rendered him very popular. No one knew of any new trouble brewing, and there was a general outburst of enthusiasm and satisfaction that a great cause of political discord had been removed, and that peace and quiet might be enjoyed. Jackson was fêted enthusiastically and generally. Harvard College made him a Doctor of Laws. Adams said that it was "a sycophantic compliment." Jackson was very ill at this time. Adams wrote a spiteful page in the "Diary," alleging that "four fifths of his sickness is trickery, and the other fifth mere fatigue." "He is so ravenous of notoriety that he craves the sympathy for sickness as a portion of his glory." [1] The low personal injustice which is born of party hatred is here strikingly illustrated.

Duane did not accept the *rôle* for which he had been selected. He objected to the removal of the deposits. Jackson sent to him from Boston a long argument, written by Kendall, to try to persuade him. Jackson returned early in July. The question of the removal was then debated between him and Duane very seriously, Duane standing his ground. It is evident that Taney was then asked to take the Treasury in case Duane should continue recalcitrant. Jackson left Washington on an excursion to the Rip Raps without having come to an arrangement with Duane.[2]

[1] 4 Adams, 5.

[2] In May, 1833, Jackson laid the corner-stone of a monument

In July rumors became current that the President intended to remove the deposits.[1] August 5, 1833, while Jackson was absent, Taney wrote to him, encouraging him to prosecute the project of removal, and thoroughly approving of it. It is a sycophantic letter.[2] In August Kendall went on a tour through the Middle and Eastern States to negotiate with the state banks so as to find out whether they would undertake the fiscal duties. His first project seems to have been based on the New York Safety Fund system. He got no encouragement for this.[3] To more general inquiries as to a willingness to enter into some arrangement he got a number of favorable replies.[4] Commenting on these replies, Duane says, "It was into this chaos that I was asked to plunge the fiscal concerns of the country at a moment when they were conducted by the legitimate agent with the utmost simplicity, safety, and despatch."[5]

On Jackson's return he took up the business at once. Of course Kendall's negotiations could not be kept secret. "Niles's Register" for September 7, 1833, contains a long list of extracts from different newspapers presenting different speculations as to the probability of the removal of the deposits. The money market was, of course, immediately affected. The bank had ordered

to Washington's mother. On his way to the site of the monument, while the steamboat was at Alexandria, Lieutenant Randolph, who had been dismissed from the navy because he could not make his accounts good, committed an assault on the President, and attempted to pull his nose. Considerable political heat was excited by the extra-legal measures taken to punish Randolph for his outrage. (44 Niles, 170.)

[1] 44 Niles, 353.
[2] Tyler's *Taney*, 195.
[3] Document F. page 10.
[4] Document F.
[5] Duane, 96.

its branches to buy no drafts having over ninety days to run. This was too short a time for "racers," considering the difficulty of communication. The Western debts had now been considerably curtailed by the strenuous efforts which had been made during the year. In the cabinet, Duane was still resisting. The sixteenth section of the bank charter gave to the Secretary of the Treasury, by specific designation, the power to remove the deposits.

By the acts of July 2, 1789, and May 10, 1800, the Secretary of the Treasury reports to the House of Representatives. John Adams objected to the position thus created for the Secretary of the Treasury.[1] At other times also it has caused complaint.[2] His position certainly was anomalous. His powers and responsibilities were in no consistent relation to each other. He was independent of the President in his functions, yet might be removed by him. He reported to Congress what he had done, yet could not be removed by Congress except by impeachment. Jackson now advanced another step in his imperial theory. He said to Duane: I take the responsibility; and he extended his responsibility over Duane on the theory that the Secretary was a subordinate, bound only to obey orders. What then was the sense of providing in the charter that the Secretary might use a certain discretion, and that he should state to Congress his reasons for any use he made of it? Jackson's responsibility was only a figure of speech; he was elected for a set term, and could not and would not

[1] 1 Gibbs, 569.

[2] 4 Adams, 501. See a history of the Treasury Department in a report of the Committee on Ways and Means, March 4, 1834. (46 Niles, 39.)

stand again. As Congress stood there was no danger of impeachment. His position, therefore, was simply that he was determined to do what he thought best to do, because there was no power at hand to stop him.

On the 18th of September the President read, in the meeting of his cabinet, a paper prepared by Taney,[1] in which he argued that the deposits ought to be removed. The grounds were, the three per cents, the French bill, the political activity of the bank, and its unconstitutionality. He said that he would not dictate to the Secretary, but he took all the responsibility of deciding that, after October 1st, no more public money should be deposited in the bank, and that the current drafts should withdraw all money then in it. Duane refused to give the order and refused to resign. He was dismissed, September 23d. Taney was transferred to the Treasury. He gave the order. Taney told Kendall that he was not a politician, and that, in taking a political office, he sacrificed his ambition, which was to be a judge of the Supreme Court.[2] Duane at once published the final correspondence between the President and himself, in which he gave fifteen reasons why the deposits ought not to be removed.[3] One of them was, "I believe that the efforts made in various quarters to hasten the removal of the deposits did not originate with patriots or statesmen, but in schemes to promote factious and selfish purposes." The administration press immediately turned upon Duane with fierce abuse.

The removal of the deposits was a violent and unnecessary step, even from Jackson's stand-point, as Lewis tried to persuade him.[4] The bank had no chance of a

[1] Tyler's *Taney*, 204.
[2] Kendall's *Autobiography*, 386.
[3] 45 Niles, 236.
[4] Lewis in 3 Parton, 506.

recharter, unless one is prepared to believe that it could and would buy enough congressmen to get a two-thirds majority. If it had been willing to do that, it had enough money of its own for the purpose, even after the deposits were withdrawn. The removal caused a great commotion, — even a panic.[1] Bank stock fell one and one half per cent at New York. But it recovered when the paper read in the cabinet was received, because the grounds were only the old charges. The public confidence in the bank had not been shaken by the charges, investigations, and reports. The bank replied to the President's paper by a long manifesto, in which it pursued him point by point.[2] No doubt Biddle wrote this paper. In order to defend the bank in the matter of the three per cents, he resorted to the tactics noticed before. He said that there was heavy indebtedness to Europe in 1832, on account of the importations of 1831. He wanted to prevent an exportation of specie and give the country leisure to pay that debt. He says that the bank was at ease, and would have kept quiet if it had considered only its own interests. Nothing less than the movements which involve continents and cover years will do for him to explain his policy. No motive less than universal benevolence will suffice to account for the action of the bank. These pretences were, as similar ones almost always are, not true.

The average monthly balance in the bank, to the credit of the Treasury, from 1818 to 1833, was $6.7 million. In 1832 it was $11.3 million. In 1833 it was $8.5 million. In September, 1833, it was $9.1 million.[3] Kendall reported to a cabinet meeting the results of his negotiations with the banks. One bank

[1] 45 Niles, 65. [2] 45 Niles, 248. [3] Document H.

was objected to "on political grounds."[1] Twenty-three were selected before the end of the year. The chance for favoritism was speedily perceived. The first intention was to use the Bank of the Metropolis, Washington, as the head of the system of deposit banks, although no system was devised. In fact, the administration had taken the work of destruction in hand with great vigor, but it never planned a system to take the place of the old one. The Bank of the United States had, of course, been compelled to devise its own measures for carrying on the business of the Treasury, so far as it was charged with that business. The Treasury was now forced to oversee, if it did not originate, the system of relations between the deposit banks. January 30, 1834, Silas Wright made a statement which was understood to be authoritative. He said that the Executive had entered again upon the control of the public money which belonged to him before the national bank was chartered; that the administration would bring forward no law to regulate the deposits, but that the Executive would proceed with the experiment of using state banks. Webster expressed strong disappointment and disapproval, claiming that there should be a law.[2] March 18, 1834, Webster proposed a bill to extend the charter of the Bank of the United States for six years, without monopoly, the public money to be deposited in it, it to pay to the Treasury $200,000 annually on March 4th, none of its notes to be for less than $20.00. The bank men would not agree to support it. It was tabled and never called up.[3] April 15, 1834, six months after the deposits were

[1] Kendall's *Autobiography*, 387. [2] 45 Niles, 400.

[3] 46 Niles, 52; 1 Curtis's *Webster*, 485; 4 Webster's Works, 82.

removed, Taney sent to the Committee on Ways and Means a plan for the organization of the deposit bank system, but it was a mere vague outline.[1] December 15, 1834, Woodbury sent in a long essay on currency and banking, but no positive scheme or arrangement. It was not until June, 1836, that the system was regulated by measures aiming at efficiency and responsibility.

Taney desired that Kendall should be president of the Bank of the Metropolis and organize the system, but Kendall's readiness, which had not before failed, had now reached its limit. The Bank of the Metropolis was then asked to admit Whitney as agent and correspondent of the deposit banks. The bank refused to do this, and the plan of making that bank the head was given up.[2] The banks were recommended to employ Whitney as agent and correspondent at Washington for their dealings with the Treasury. He was thus placed in a position of great power and influence. He did not escape the charge of having abused it, and an investigation, in 1837, produced evidence very adverse to his good character. Part of the correspondence between him and the banks was then published. From that correspondence it is plain that the chief argument brought to support an application for a share of the deposits, or other favor, was devotion to Jackson and hatred of the Bank of the United States.[3] It is not proven that the deposits were ever used by the Bank of the United States for any political purpose whatever. It is conclusively proven that the deposits were used by Jackson's administration, through Whitney's agency, to reward adherents and to win supporters. The first banks

[1] 46 Niles, 157.

[2] Kendall's *Autobiography*, 388.

[3] 52 Niles, 91

which took up the system also, in some cases, used the deposits which were given to them to put themselves in the position which they were required, by the theory of the deposit system, to occupy. Taney assumed that the Bank of the United States would make a spiteful attempt to injure the deposit banks by calling on them to pay balances. It was then considered wrong and cruel for one bank to call on another to pay balances promptly. Taney, therefore, placed some large drafts on the Bank of the United States in the hands of officers of the deposit banks at New York, Philadelphia, and Baltimore, so that they might offset any such malicious demand. Otherwise, the drafts were not to be used. The bank took no steps which afforded even a pretext for using these drafts, but the president of the Union Bank of Maryland cashed one of them for $100,000 a few days after he got it, and used the money in stock speculations.[1] For fear of scandal this act was passed over by the Executive, but it led to an investigation by Congress. Taney was a stockholder in the Union Bank.[2] The Manhattan Company used one of these drafts for $500,000.[3] Taney claimed the power to make these transfers. He referred it back to a precedent set by Crawford,[4] who, in his turn, when he had been called to account for it, had referred it back to Gallatin. The source of the stream, however, was not

[1] Kendall's *Autobiography*, 389. Cf. Document H. page 339. It is well worth while to read these two passages together in order to see how much deceit there was in the proceedings about the removal of the deposits.

[2] Quincy's *Adams*, 227. He sold his stock February 18, 1834. (Document M.)

[3] Document H.

[4] Document F.

Gallatin, but William Jones, Acting Secretary.[1] The baneful effects of the large surplus of public money are plain enough.

At the session of 1833–34 the message alleged, as the occasion of removing the deposits, the report of the government directors of the bank, which showed, as Jackson said, that the bank had been turned into an electioneering engine. It was never alleged that the bank had spent money otherwise than in distributing Gallatin's pamphlet on currency, McDuffie's report of 1830, and similar documents. Some might think that it was not wise and right for the bank so to defend itself, since politics were involved; but its judge was now the most interested party in the contest, the one to whom that offence would seem most heinous, and he insisted on imposing a penalty at his own discretion, on an *ex parte* statement of his own appointees, and a penalty which could not be considered appropriate or duly measured to the offence. He also charged the bank with manufacturing a panic. Taney reported "his" reasons for the removal. He argued that the Secretary must discharge his duties under the supervision of the President; that the Secretary alone had power to remove the deposits; that Congress could not order it to be done; that the Secretary could do it, if he thought best, for any reason, not necessarily only when the bank had misconducted itself. He put the removal which had been executed on the ground of public interest. The people had shown, in the election, that they did not want the bank rechartered. It was not best to remove

[1] American State Papers, 4 Finance, 266, 279. Cf. 1 Gallatin's Writings, 80. It has been asserted that Hamilton used the same power. (Ingersoll 279. Cf. 6 Hamilton's Works, 175.)

the deposits suddenly when the charter should expire. He blamed the bank for increasing its loans from December 1, 1832, to August 2, 1833, from $61.5 million to $64.1 million, and then reducing them, from that date until October 2, 1833, to $60 million. He said that the bank had forfeited public confidence, had excluded the government directors from knowledge to which they were entitled, had shown selfishness in the affair of the French bill, had done wrongly about the three per cents, had granted favors to editors, and had distributed documents to control elections. He favored the use of the state banks as fiscal agents of the government.

December 9th the bank memorialized Congress against the removal of the deposits as a breach of contract. A great struggle over the bank question occupied the whole session. The Senate refused, 25 to 20, to confirm the reappointment of the government directors, who were said to have acted as the President's spies. Jackson sent the names in again with a long message,[1] and they were rejected, 30 to 11. Taney's appointment as Secretary of the Treasury was rejected, to Jackson's great indignation. Taney was then nominated for judge of the Supreme Court, and again rejected. Marshall died in July, 1835. Taney was appointed Chief Justice, December 28, 1835, and confirmed, March 15, 1836.

December 11th Clay moved a call for a copy of the paper read in the cabinet. Jackson refused it on the ground that Congress had no business with it. The document, in fact, had no standing in our system of government. It was another extension of personal government, by the adoption of a Napoleonic procedure. The Emperor made known his will by a letter of in-

[1] 46 Niles, 180.

structions to his minister, and this, when published, informed the public. Jackson used his "paper read in the cabinet" in just that way. By publishing it he violated the secrecy and privilege of the cabinet, and made it a public document, but when it was called for he fell back on cabinet privilege.[1] If Jackson's doctrine was sound, there would be modes of governing this country without any responsibility to Congress, and the "cabinet," as such, would come to have recognized functions as a body for registering and publishing the rescripts of the President. It was a thoroughly consistent extension of the same doctrine that Jackson, in his reply, in which he refused to comply with the call of the Senate, professed his responsibility to the American people, and his willingness to explain to them the grounds of his conduct. Such a profession was an insult to the constitutional organ of the mind and will of the American people worthy of a military autocrat, and although it might have a jingle which would tickle the ears of men miseducated by the catch-words of democracy, a people which would accept it as a proper and lawful expression from their executive chief would not yet have learned the alphabet of constitutional government.

In January, 1834, Jackson sent in a message complaining that the bank still kept the books, papers, and funds belonging to the pension agency with which it had hitherto been charged. The Senate voted, May 26th, 26 to 17, that the Secretary of War had no authority to remove the pension funds from the bank.

Clay introduced resolutions which finally took this shape: "Resolved, (1) That the President, in the late

[1] 45 Niles, 247.

executive proceedings in relation to the public revenue, has assumed upon himself authority and power not conferred by the Constitution and the laws, but in derogation of both. (2) That the reasons assigned by the Secretary for the removal are unsatisfactory and insufficient." Benton offered a resolution that Biddle should be called to the bar of the Senate to give the reasons for the recent curtailments of the bank, and to answer for the use of its funds for electioneering.[1] January 5, 1834, Webster reported from the Committee on Finance in regard to the removal of the deposits. Clay's second resolution was at once adopted, 28 to 18. March 28th the first resolution was adopted, 26 to 20. April 15th, Jackson sent in a protest against the latter resolution. The Senate refused to receive it, 27 to 16, declaring it a breach of privilege. The main points in the protest were that the President meant to maintain intact the rights of the Executive, and that the Senate would be the judges in case of impeachment, but for that reason ought not to express an opinion until the House saw fit to impeach. The bank charter provided that the Secretary should report his reasons to Congress. On the doctrine of the protest, however, one House of Congress could adopt no expression of opinion on the report submitted, because it must wait for the other. The administration press kept up truculent denunciations of the Senate all winter. The "Pennsylvanian" said: "The democrats never heartily sanctioned it, and now, having the power, should amend or get rid of it once and forever."[2] The New York "Standard" called the senators "usurpers."[3]

[1] 45 Niles, 332.

[2] 46 Niles, 131.

[3] *Ibid.* 147.

The debates of the winter were acrimonious in the extreme. Probably no session of Congress before 1860–61 was marked by such fierce contention in Congress and such excitement out-of-doors. Chevalier, who was an acute and unprejudiced observer, said that the speeches of the administration men resembled the French republican tirades of 1791–92. They had the same distinguishing trait, — emphasis. "Most generally the pictures presented in these declamations are fantastical delineations of the moneyed aristocracy overrunning the country, with seduction, corruption, and slavery in its train, or of Mr. Biddle aiming at the crown."[1] The chief weapon of debate was emphasis instead of fact and reason. With an "old hero" to support and the "money power" to assail, the politicians and orators of the emphatic school had a grand opportunity. There is also an unformulated dogma, which seems to command a great deal of faith, to this effect, that, if a man is only sufficiently ignorant, his whims and notions constitute "plain common sense." There are no questions on which this dogma acts more perniciously than on questions of banking and currency. Wild and whimsical notions about these topics, propounded with vehemence and obstinacy in Congress, helped to increase the alarm out-of-doors.

Senators Bibb, of Kentucky, and White, of Tennessee, went into opposition. Calhoun, also, for the time, allied himself heartily with the opposition.

The Virginia Legislature passed resolutions condemning the dismissal of Duane and the removal of the deposits. In pursuance of the dogmas of Virginia democracy, Rives, senator from that State and supporter of the

[1] Chevalier, 61.

administration measures, resigned. B. W. Leigh was elected in his place.

As soon as the resolution of censure was passed, Benton gave notice of a motion to expunge the same from the records. He introduced such a resolution at the next session, and the Jackson party was more firmly consolidated than ever before in the determination to carry it. The personal element was present in that enterprise, with the desire for revenge, and the wish to demonstrate loyalty. March 3, 1835, the words "ordered to be expunged" were stricken from Benton's resolution, 39 to 7, and the resolution was tabled, 27 to 20. The agitation was then carried back into the state elections, and "expunging" came to be a test of party fealty. Benton renewed the motion December 26, 1836. The Legislature of Virginia adopted instructions in favor of it. John Tyler would not vote for it, and resigned. Leigh would not do so, and would not resign. He never recovered party standing.[1] Rives was sent back in Tyler's place. This martyrdom and Tyler's report on the bank, mentioned below, made Tyler Vice-President.[2] The vice of the doctrine of instructions was well illustrated in these proceedings. If the Virginia doctrine were admitted, senators would be elected, not for six years, but until the politics of the State represented might change. The senator would not be a true representative, under the theory of representative institutions, but a delegate, or ambassador. It would be another victory of pure democracy over constitutional institutions.

The administration had a majority in the Senate in 1836, but Benton says that a caucus was held on expung-

[1] See his letter of reply; 50 Niles, 28.

[2] Wise, 158.

ing. The resolution was passed, 24 to 19, that black lines should be drawn around the record on the journal of the Senate, and that the words "expunged, by order of the Senate, this 16th day of January, 1837," should be written across it. It was a great personal victory for Jackson. The Senate had risen up to condemn him for something which he had seen fit to do, and he had successfully resented and silenced its reproof. It gratified him more than any other incident of the latter part of his life. It was still another step forward in the development of his political methods, according to which his personality came more and more into play as a political force, and the constitutional institutions of the country were set aside. The day after the resolution was expunged, leave was refused, in the House, to bring in a resolution that it is unconstitutional to expunge any part of any record of either House.[1]

March 4, 1834, Polk reported from the Committee on Ways and Means on the removal of the deposits, supporting Jackson and Taney in all their positions. He offered four resolutions, which were passed, April 4th, as follows: (1) that the bank ought not to be rechartered, 132 to 82; (2) that the deposits ought not to be restored, 118 to 103; (3) that the state banks ought to be depositories of the public funds, 117 to 105; (4) that a select committee should be raised on the bank and the commercial crisis, 171 to 42. The com-

[1] There was a case of expunging in Jefferson's time. A resolution which had been passed contained a statement that certain filibusters thought that they had executive sanction. This was expunged. (1 Adams, 439.) A case is mentioned in Massachusetts. Quincy's resolution against rejoicing in naval victories was expunged. (Ingersoll, 23.) For a discussion of other precedents, see the speeches of Rives and Leigh. (50 Niles, 168, 173.)

mittee last mentioned reported May 22d.[1] The majority said that the bank had resisted all their attempts to investigate. They proposed that the directors should be arrested and brought to the bar of the House. The position of the bank seemed to be, at this time, that since the bank charter was to expire and the deposits had been withdrawn, any further investigations were only vexatious. The minority of the committee (Edward Everett and W. W. Ellsworth) reported that the committee had made improper demands, and that the instruction given to the committee to examine the bank in regard to the commercial crisis was based on improper assumptions. The Senate, June 30th, instructed the Committee on Finance to make another investigation of all the allegations against the bank made by Jackson and Taney in justification of the removal. That committee reported December 18, 1834, by John Tyler.[2] The report goes over all the points, with conclusions favorable to the bank on each. The time was long gone by, however, when anybody cared for reports.

The excitement about the removal of the deposits was greatly exaggerated. The public was thrown into a panic, because it did not quite see what the effect would be. It is untrue that the bank made a panic, and it is untrue to say that there was no real crisis. The statistics of loans, etc., which the hostile committees were fond of gathering, proved nothing, because they proved anything. If the bank loans increased, the bank was extending its loans to curry favor. If they decreased, the bank was punishing the public, and making a panic. As bank loans always fluctuate, the argument never slackened. The figures appended to Tyler's report cover the whole

[1] 46 Niles, 221, 225. [2] Document I.

history of the bank. There are no fluctuations there which can be attributed to malicious action by the bank The root of all the wrong-doing of the bank, out of which sprang nearly all the charges which were in any measure just, was in the branch drafts and the bad banking in the West. The loans increased up to May, 1832, when they were $70.4 million. The increase, so far as it was remarkable, was in the Western branches. The operation of the "racers" is also distinctly traceable in the accounts of the parent bank and some of the branches. The effect of the general restraint imposed can also be seen, and the movement can be traced by which the bank, drawing back from the perilous position into which it was drifting in 1832, got its branches into better condition, and improved its whole status from October, 1832, to October, 1833. It was this course which afforded all the grounds for the charge of panic-making.

The bank was very strong when the deposits were removed. The loans were $42.2 million; domestic exchange, $17.8 million; foreign exchange, $2.3 million; specie, $10.6 million; due from state banks, $2.2 million; notes of state banks, $2.4 million; public deposits, $9 million; private deposits, $8 million; circulation, $19.1 million. It also held real estate worth $3 million. During the winter of 1833–34 there was a stringent money market and commercial distress. The state banks were in no condition to take the public deposits. They were trying to strengthen themselves, and to put themselves on the level of the Treasury requirements in the hope of getting a share of the deposits. It was they who operated a bank contraction during that winter. It was six months, and then only by the favor

and concession of the Treasury, before the local banks, "pet banks" as they soon came to be called, could get into a position to take the place of the Bank of the United States. This was the "chaos" into which Duane, like an honest man, and man of sense, had refused to plunge the fiscal interests of the country. The administration, however, charged everything to Biddle and the bank. Petitions were sent to Congress. Benton and the others said that there was no crisis, and that the petitions were gotten up for effect, to frighten Jackson into restoring the deposits. The proofs of the genuineness and severity of the crisis, in the forty-fifth volume of "Niles's Register," are ample. In January, 1834, exchange on England was at one hundred and one and a half (par one hundred and seven); capital was loaning at from one and a half per cent to three per cent per month; bank-notes were quoted at varying rates of discount.[1] Delegations went to Washington to represent to Jackson the state of the country. He became violent; told the delegations to go to Biddle; that he had all the money; that the bank was a "monster," to which all the trouble was due. In answer to a delegation from Philadelphia, February 11, 1834, Jackson sketched out the bullionist programme, which the administration pursued from this time forth as an offset to the complaints about the removal of the deposits.[2] Up to this time it had been supposed that Jackson rather leaned to paper-money notions. He now proposed, as an "experiment" (so he called it), to induce

[1] 46 Niles, 133.

[2] Taney made the first official statement of the plan of the administration in a letter to the Committee on Ways and Means, April 15, 1834.

the banks. by promising them a share in the deposits, to give up the use of notes under $5.00, later to do away with all under $10.00, and finally to restrict bank-notes to $20.00 and upwards, so as to bring about a circulation of which a reasonable part should be specie. The notion was good as far as it went, but had precisely the fault of a good financial notion in the hands of incompetent men; the scheme did not take into account *all* the consequences of distributing the deposits as proposed. It persuaded the banks to conform to external rules about circulation, but, under the circumstances, these rules did not have the force they were supposed to have, and the bank loans were stimulated to an enormous inflation, which threw the whole business of the country into a fever, and then produced a great commercial crisis. For a short period, in the summer of 1834, the currency was in a very sound condition. The Bank of the United States was, by the necessity of its position, under strong precautions. The state banks, by their efforts to meet the Treasury requirements, were stronger than ever before. The popular sentiment, however, had now swung over again to the mania for banks. Each district wanted a deposit bank, so as to get a share in the stream of wealth from the public Treasury. If a deposit could not be obtained, then the bank was formed in order to participate in the carnival of credit and speculation, for a non-deposit bank could manage its affairs as recklessly as it chose. The deposit banks speedily drew together to try to prevent any more from being admitted to share in the public deposits. The mania for banking was such that formal riots occurred at the subscription to the stock of new banks.[1] The favored

[1] 42 Niles, 257; 44 Niles, 371. See some of these facts and the use made of them in Brothers's *United States*, p. 51.

few, who could subscribe the whole, sold to the rest at an advance. To be a commissioner was worth from $500 to $1,000.[1] There was a notion, borrowed perhaps from the proceedings of the government of the United States in the organization of both national banks, that to make a bank was a resource by which a group of insolvent debtors could extricate themselves from their embarrassments. The Tammany society being in debt, a plan was formed for paying the debt by making a bank.[2] When the great fire occurred in New York, December, 1835, a proposition was made to create a bank as a mode of relieving the sufferers. "To make a bank," said Niles, "is the great panacea for every ill that can befall the people of the United States, and yet it adds not one cent to the capital of the community."[3] The effect of this multiplication of banks, and of the scramble between them for the public deposits, was that an enormous amount of capital was arbitrarily distributed over the country, according to political favoritism and local influence, and in entire disregard of the industrial and commercial conditions. The public debt was all paid January 1, 1835. After that date the public deposits increased with great rapidity, and there was no occasion to spend them. The state of things was therefore this: an immense amount of capital was being collected by taxes, and then was being distributed to favored corporations, as a free loan for an indefinite period, on which they could earn profits by lending it at interest. No monster bank, under the most malicious management, could have produced as much harm, either political or financial, as this system produced while it lasted.

[1] 46 Niles, 188. [2] Mackenzie, 70. [3] 49 Niles, 298.

November 5, 1834, Secretary Woodbury informed the Bank of the United States that the Treasury would not receive branch drafts after January 1, 1835. This led to a spirited correspondence with Biddle, in which the latter defended the drafts as good, both in law and finance.[1] In the message of 1834 Jackson recapitulated the old complaints against the bank, and recommended that, on account of its "high-handed proceedings," its notes should no longer be received by the Treasury, and that the stock owned by the nation should be sold. The session of 1834–35 was, however, fruitless as to banking and currency. January 12, 1835, on Benton's motion, the Committee on Finance was ordered to investigate the specie transactions of the bank. Tyler took fire at this, because it reflected on the report which he had just made. In view of subsequent history, it is worth while to notice the profession of faith which was drawn from Tyler at this time. He said that he was opposed to any national bank on constitutional grounds, but that he was free from Jacksonism, and that he wanted to be just to the existing bank. January 10th Polk introduced a bill to forbid the receipt of notes of the Bank of the United States at the Treasury, unless the bank would pay at once the dividend which had been withheld in 1834. Bills were also proposed for regulating the deposits in the deposit banks. No action resulted.

In the message of 1835 Jackson referred to the war which (as he said) the bank had waged on the government for four years, as a proof of the evil effects of such an institution. He declared that the bank belonged to a system of distrust of the popular will as a regulator of political power, and to a policy which would supplant

[1] Document J.

our system by a consolidated government. Here, then, at the end of the bank war, we meet again with the second of the theories of the bank which Ingham formulated in his letter to Biddle of October 5, 1829,[1] at the beginning of the bank war. Ingham said that some people held that theory. The assumption that the bank held that theory concerning itself had been made the rule of action of the government, and the laws and administration of the country had been made to conform to that assumption as an established fact. At the session of 1835–36 an attempt was made to investigate the transactions of members of Congress with the bank. It was abandoned when Adams declared that a similar attempt in 1832 had been abandoned, because it cut both ways.

[1] See page 240.

CHAPTER XIV.

SPECULATION, DISTRIBUTION, CURRENCY LEGISLATION, AND END OF THE BANK OF THE UNITED STATES.

In the spring of 1835 the phenomena of a period of speculation began to be distinctly marked. There was great monetary ease and prosperity in England and France, as well as here. Some important improvements in machinery, the first railroads, greater political satisfaction and security, and joint stock banks were especially favorable elements which were then affecting France and England. The price of cotton advanced sharply during 1834–35. Speculation seized upon cotton lands in Mississippi and Louisiana, and on negroes. Next it affected real estate in the cities at which cotton was handled commercially. The success of the Erie Canal led to numerous enterprises of a like nature in Pennsylvania, Maryland, Ohio, Indiana, and Illinois. Capital for these enterprises was not at hand. The States endeavored to draw the capital from Europe by the use of their credit. The natural consequence was great recklessness in contracting debt, and much "financiering" by agents and middle-men. The abundant and cheap capital, here and abroad, of 1835–36 favored all the improvement enterprises. These enterprises were, however, in their nature, investments, returns from which could not be expected for a long period. In the mean time, they locked up capital. It appears

that labor and capital were withdrawn for a time from agriculture, and devoted to means of transportation. Wheat and flour were imported in 1836.[1] The land of the Western States had greatly risen in value since the Erie Canal had been open. Speculation in this land became very active. Timber lands in Maine were another mania.[2] The loans of capital from Europe increased month by month. The entire payment of the public debt of the United States had a great effect upon the imagination of people in Europe. It raised the credit of the United States. It was thought that a country which could pay off its debt with such rapidity must be a good country in which to invest capital. The credit extended to the United States depressed the exchanges, and gave an unusual protection to the excessive bank-note issues in the United States. Those issues sustained and stimulated the excessive credit which the public deposits were bringing into existence. The banks had an arbitrary rule that a reserve of specie for one third of the circulation would secure them beyond any danger. So long as the exchanges were depressed by the exportation of capital from Europe to America, no shipment of specie occurred, and the system was not tested. All prices were rising; all was active and hopeful; debt was the road to wealth. If one could obtain capital for margins, and speculate on differences in stocks, commodities, and real estate, he had a chance to win enormous profits while the credit system went on. Large classes of persons were drawn to city occupations, exchange, banking, and brokerage, because these industries were most profitable. Cities grew, rents advanced, real estate rose in value. Down to October 1,

[1] 50 Niles, 50, 74; 51 Niles, 17. [2] 48 Niles, 167.

1836, the following States had forbidden notes under $5.00: New York, Pennsylvania, Virginia, Georgia, Louisiana, Indiana, Alabama, New Jersey, Maryland, North Carolina, Tennessee, Kentucky, and Maine. It appears, however, that small notes of earlier issue were still in circulation, and the state of things which the legislation meant to bring about never was reached, so far as one can now learn.

In the autumn of 1835, the money market became more stringent. This fact was charged to the pet banks and to fears of trouble with France.[1] The pet banks had every interest to arrest inflation. If they were held to conservative rules, while the non-deposit banks about them were not so held, the former only left free room for the latter, and then the former had to receive the notes of the latter. In January, 1836, the rate of discount at Philadelphia was two per cent per month.[2] Banks were still being multiplied.[3] During 1836 prices continued to rise, speculation was active, rates for capital increased; there was complaint of a scarcity of money, and a demand for more banks. Governor Marcy, of New York, in his message for 1836, pointed out the "unregulated spirit of speculation" which prevailed, and he warned the Legislature against the fallacies involved in the demand for more banks.[4] In April the best commercial paper was quoted, at New York, at thirty per cent to forty per cent per annum; second rate, at one half of one per cent per day.[5] At Boston the rate was one per cent per month. Exchange on England at New York was one hundred and five (par,

[1] 49 Niles, 225, 281.
[2] 49 Niles, 313.
[3] 49 Niles, 435.
[4] 2 Hammond, 449.
[5] *Evening Post*, in 50 Niles, 134.

one hundred and nine and three fifths), showing the current of capital in spite of the inflation. In May Niles said, "There is an awful pressure for money in most of the cities," [1] yet he also describes the unprecedented activity of business in Baltimore.

In the first message after his reëlection, in 1832, Jackson proposed, in regard to the public lands, that they should be sold to the new States and to actual settlers at a very low price. December 12th of that year Clay reintroduced his land bill.[2] He succeeded in getting it passed, but it was sent to the President within ten days of the end of the session. Jackson did not sign it. In December, 1833, he sent in a message stating his reasons for not doing so. He objected especially to the policy of giving away the proceeds of the lands while levying heavy duties on imports. The session of 1833–34 was fully occupied with the bank question and the removal of the deposits. At the session of 1834–35 Clay again brought in a land bill, but no action was taken. Relations with France occupied the attention of Congress during that session, which was a short one. At the session of 1835–36 Clay introduced a bill to distribute the net proceeds of the lands, after taking out ten per cent for the ten new States. Calhoun introduced a joint resolution to amend the Constitution so that the surplus revenue could be distributed among the States. He also introduced a bill to regulate the public deposits. A bill to distribute the surplus revenue was also introduced. The land bill passed the Senate May 4, 1836, by 25 to 20. It was tabled in the House, 104 to 85, June 22d. The distribution bill and the deposit bill were consolidated into one, and passed by the Senate

[1] 50 Niles, 185.

[2] See page 190.

June 17th, 38 to 6. On the 20th of June, in the House, an effort was made to divide the bill, so as to separate the regulation of the deposits from the distribution, but the effort failed. The House then changed the plan of distributing the surplus to the States as a gift into a plan for "depositing" it with them subject to recall. In this shape the bill passed, 155 to 38, and became a law by the concurrence of the Senate and the President.

The "Globe" [1] said that Jackson would have vetoed the bill as it came from the Senate. He thought the plan of "depositing" the surplus was free from constitutional objections, but the "Globe" gave notice to all whom it might concern that the President would not sign any bill the effect of which would be to raise revenue by federal taxation, and distribute the proceeds among the States. The distribution measure was one of those errors which are apt to be committed on the eve of a presidential election, when politicians do not dare to oppose measures which gratify class or local feelings or interests. Webster opposed distribution, unless the land income could be separated. He said that taxes must be reduced even at the risk of injuring some industries.[2] It was provided in the bill that there should be in each State a deposit bank, if a bank could be found which would fulfil the prescribed conditions. Each of these banks was to redeem all its notes in specie, and to issue no notes for less than $5.00 after July 4, 1836. The Treasury was not to receive, after that date, the notes of any bank which did issue notes under $5.00. It was to pay out no note under $10.00 after the passage of the act, and no note under $20.00 after March 3, 1837. If the public deposits in any bank should ex

[1] 50 Niles. 281. [2] 1 Curtis's *Webster*. 537.

ceed one fourth of the capital of the bank, it was to pay two per cent interest on the excess. No transfer of deposits from bank to bank was to be made by the Secretary, except when and because the convenience of the Treasury required it. In that case, he was to transfer from one deposit bank to the next deposit bank in the neighborhood, and so on; *i. e.*, not from one end of the country to the other. As to distribution, the bill provided that all the money in the Treasury, January 1, 1837, in excess of $5 million, was to be deposited with the States in the proportion of their membership in the electoral college, and in four instalments, January, April, July, and October, 1837. The States were to give *negotiable* certificates of deposit, payable to the Secretary or his assigns on demand. If the Secretary should negotiate any certificate, it should bear five per cent interest from the date of assignment. While not assigned, the certificates bore no interest.[1]

In his message of 1836 Jackson offered a long and very just criticism on this act. His objections were so pertinent and so strong that we are forced to believe that he did not veto only on account of the pending election. A number of doubtful States were "improvement States;" that is, they had plunged recklessly into debt for canals, etc., which were not finished, and credit was declining while the money market was growing stringent. Those States were very eager (or, at least, many people in them were) to get the money in the federal Treasury with which to go on with the works. Jackson argued in favor of the reduction and abolition of all the taxes with which the compromise tariff allowed Congress to deal, and he exposed completely the silly

[1] 50 Niles, 290.

device by which the whigs tried to justify distribution; separating the revenue in imagination, and pretending to distribute the part which came from land. Jackson made a lame attempt to explain the recommendations which he had made in his early messages in favor of distribution. He gave a table showing the effect of distribution according to the ratio of membership in the electoral college as compared with that on the ratio of federal population. The small and new States gained enormously by the plan adopted.

The best that can be said in excuse for distribution is that the surplus was doing so much mischief that the best thing to do with it was to throw it away. Unfortunately, it could not be thrown away without doing other harm. We have already noticed the shocks given to the money market by the debt-paying operation.[1] The removal of the deposits took place before that was completed, and produced a new complication. The credit relations formerly existing towards and around the great bank were rudely cut off, and left to reconstruct themselves as best they could. As soon as the new state of things had become a little established, there was an accumulation of a great surplus, nominally in the deposit banks, really loaned out to individuals, and fully engaged in speculative importations with credit for duties, or in speculative contracts payment on which was to be received in state bonds and scrip, or in still other indescribable repetitions of debt and contract. The capital, when thus fully absorbed, was next all called in again, in order to be transferred to the States. The States did not intend to loan the capital, they intended to spend it in public works; that is, for the most part, considering

[1] See page 271.

the actual facts as they existed, to sink it entirely. In one way or another these funds were squandered by all the States, or worse than squandered, since they served corruption and abuse. In 1877 it was declared that the Controller of New York did not know what had become of the deposit fund of the State. For many years the commissioners of only nine counties had made any report. The Controller asked for $15,000 with which to find out what had become of the $4 million which was the share of New York. The fact that the funds were squandered was the least of the purely financial evils attendant on distribution. The effect on all the relations of capital, credit, and currency, that is, the effect on every man's rights and interests, was the most far-reaching and serious consequence.

On the 1st of June, 1836,[1] the deposit banks stood thus: capital, $46.4 million; due to the Treasurer of the United States, $37.2 million; due to public officers, $3.7 million; circulation, $27.9 million; other deposits, $16 million; due to other banks, $17.1 million. *Contra:* loans, $71.2 million; domestic exchange, $37.1 million; due from banks, $17.8 million; notes of other banks, $10.9 million; specie, $10.4 million. It appears then that these banks owed the United States $41 million, while their whole capital was only $46 million; that is to say, the public deposits furnished them with a capital nearly equal to their own. If their "other deposits" had been all cash capital deposited, four elevenths of all their loanable funds would have been public deposits, which would have been "called" by the act of June 23, 1836. It is also noticeable what a large sum is due to and from other banks. The feeling that banks

[1] 50 Niles, 313.

ought to forbear demands on each other seems to have been an outgrowth of the war against the Bank of the United States. The consequence was that the banks were all locked together, and when the trouble came they all went down together.

In December, 1836, Calhoun introduced another distribution bill to distribute any surplus which might be in the Treasury on January 1, 1838. It was finally added as a "rider" to an appropriation bill, providing money for fortifications. The Senate passed the bill and rider, but the House rejected the whole. Clay also introduced another land distribution bill. Schemes of distribution were great whig measures down to Tyler's time.

The first and second instalments of the distribution of 1837 were paid in specie, in January and April. The commercial crisis began in March. The banks suspended in May. The third instalment was paid in notes in July. Before August the Treasury, which was giving away $35 million, was in the greatest straits. Van Buren was forced to call an extra session of Congress. That body had no more urgent business than to forbid the Secretary to negotiate any of his "deposit" certificates, or to call on any of the States for the money deposited with them. The payment of the fourth instalment was postponed until January 1, 1839. At that date there was debt, not surplus, and the fourth instalment never was paid. Congress has never recalled any part of the other three instalments. Even when the civil war broke out, it would not venture to do this. The amount of the three instalments, $28 million, stands on the books as unavailable funds. The Secretary of the Treasury was obliged to draw his first

three instalments where he could get them, so he drew them from the North and East, the banks of the Southwest being really ruined. The fourth instalment remained due from the banks of the Southwestern States. It was years before any part of it could be recovered. The Southwestern States participated in the distribution of the three instalments.[1]

Reference has been made above[2] to the plans of the administration for a specie currency, as a complement or offset to the removal of the deposits and destruction of the bank.[3] Benton, who was the strongest bullionist in the administration circle, was under an exaggerated opinion of the efficacy of a metallic currency to prevent abuses of credit. A metallic currency is not liable to certain abuses, and it requires no skill for its management. In contrast with paper, therefore, it is surer and safer. It, however, offers no guarantees against bad banking. At most it could relieve the non-capitalist wage-receiver from any direct share or risk in bad banking. In contending against plutocracy democracy ought to put a metallic currency high up on its banner. The most subtle and inexcusable abuse of the public which has ever been devised is that of granting to corporations, without exacting an equivalent, the privilege of taking out of the circulation the value currency, for which the public must always pay, whether they get it or not, and putting into it their own promises to pay. The subtlety of this device and the fallacies which cluster about it and impose upon uneducated people are a full justification for men of democratic convictions, if they say: We do not understand it well enough to control it. We

[1] See table, 53 Niles, 35.

[2] See page 317.

[3] The *Globe* in 46 Niles, 331.

cannot spend time and attention to watch it. We will not allow it at all. Such confession of ignorance and abnegation of power, however, is hardly in the spirit of democracy. As a matter of history, the bullionist tendencies of a section of the Jacksonian party were at war with other parts of the policy of the same party, notably the distribution of the public deposits in eighty banks, with encouragement to loan freely.

The opposition party, on the other hand, took up cudgels for banks and bank paper, as if there would be no currency if bank paper were withdrawn, and as if there would be no credit if there were no banks of issue. In their arguments against the bullionist party, they talked as if they believed that, if the public Treasury did its own business, and did it in gold, it would get possession of all the gold in the country, and that this would give it control of all the credit in the country, because the paper issue was based on gold.

In 1834 the administration was determined to have a gold currency. The Committee on Ways and Means reported, April 22, 1834,[1] that it was useless to coin gold while the rating remained as it was fixed by the laws of 1792 and 1793. The coinage law had often been discussed before. Lowndes studied it and reported on it in 1819; J. Q. Adams in 1820. In 1830 Sanford, of New York, proposed a gold currency with subsidiary silver. In the same year Ingham made a report, recommending the ratio 1 : 15.625. In 1831 a coinage bill passed the Senate, but was not acted on in the House. At the session of 1831–32 White and Verplanck, of New York, wanted silver made sole money. On account of the difficulty and delicacy of the subject

[1] 46 Niles, 159.

no action had been reached. In 1834 a new interest came in. The gold product of the Southern Alleghanies was increasing. In 1832 there came to the mint from that region $678,000 value of gold, and in 1833 $868,000. There was a protectionist movement in behalf of gold, the interest of which was that gold should supplant silver, to which end an incorrect rating was desired.[1] By the laws of 1792 and 1793 the gold eagle weighed 270 grains and was $\frac{1}{2}$ fine. The silver dollar weighed 416 grains and was $\frac{14}{16}\frac{8}{6}\frac{5}{4}$ fine, giving a ratio of 1:15. The market ratio was, from 1792 to 1830, about 1:15.6. Therefore gold was not money, but merchandise. From 1828 to 1833 the average premium on gold at Philadelphia was $4\frac{3}{8}$ per cent.[2] The reports before Congress in 1834 showed that the real ratio was between 1:15.6 and 1:15.8. The mint put 1:15.8 as the highest ratio admissible. Duncan, of Illinois, in a speech, showed that the ratio since 1821 had been, on an average, 1:15.625.[3] These authorities were all disregarded.

The administration politicians had determined to have gold as a matter of taste, and the Southern gold interest wanted it. The law of June 28, 1834, made the gold eagle weigh 258 grains, of which 232 grains were to be pure; fineness, .8992. The silver dollar was unaltered. The ratio of gold to silver, by this law, was therefore 1:16.002. The old eagles were worth in the new ones $10.681, or old gold coins were worth 94.827 cents per pennyweight in the new. Taking gold to silver at 1:15.625, an old silver dollar was worth $1.024 in the new gold one, and as the silver dollar had been the standard of prices and contracts, and the new gold one

[1] Raguet, 236. [2] Raguet, 250. [3] 47 Niles, 29.

now was such, the money of account had been depreciated 2¼ per cent. In the new standard a pound sterling was worth, metal for metal, $4.87073, and if the old arbitrary par, £1 = $4.44⅘, were 100, the true par of exchange would be 109.59. Of course the supposed gain to the gold producers from the incorrect rating was a pure delusion. They got no more goods for their gold than they would have got before, save in so far as the United States added some small increment to the previous demand in the whole world for gold. The bullion brokers won by exchanging gold coins for silver coins and exporting the latter.

In December, 1834, Woodbury, who had become Secretary of the Treasury, gave the following statistics of the circulation on December 1st: state bank paper, from $57 million to $68 million; Bank of the United States paper, $16 million; gold, $4 million; silver, $16 million; total active circulation per head, $7.00. In bank: specie, $18¼ million; paper, $35 million; grand total per head, $10.00.[1] The currency was then in a very sound condition.[2]

The bank paper increased before the gold could be brought into circulation, and the gold currency never was made a fact. Silver rose to a premium, and was melted or exported.[3] The new mint law therefore produced the inconvenience of driving out silver just when the administration was trying to abolish small notes. A gold dollar had been proposed in the new law, but the provision for it was stricken out. The silver dollars then on hand appear to have been all clipped or worn.[4] The first which had been coined since

[1] Document K. p. 64.
[2] See page 318.
[3] 47 Niles, 147.
[4] 37 Niles, 393.

1805 were coined in 1836.[1] They could not, however, be kept in circulation. By the act of January 18, 1837, two tenths of a grain were added to the pure contents of the eagle. This made the fineness just .900. The pure contents of the silver dollar were left unaltered, but the gross weight was reduced to 412½ grains, so that the fineness of this coin also was .900. The ratio of the metals in the coinage was then 1:15.988. One pound sterling was then worth $4.8665, or, if $4.44⅘ be assumed 100, par of exchange was 109⅘. As soon as the crisis broke out, in 1837, all specie disappeared, and notes and tickets for the smallest denominations came into use.

At the session of 1835–36 Benton tried to get a resolution passed that nothing but gold or silver should be taken for public lands. He did not succeed. After Congress adjourned, July 11, 1836, the Secretary of the Treasury issued, by the President's order, a circular to all the land offices, known afterwards as the "specie circular," ordering that only gold, or silver, or land scrip should be received for public lands. The occasion for this order was serious. The sales of public lands were increasing at an extraordinary rate. Lands were sold for $4.8 million in 1834; for $14.7 million in 1835; for $24.8 million in 1836. The receipts for the lands consisted largely of notes of irresponsible banks. Land speculators organized a "bank," got it appointed a deposit bank if they could, issued notes, borrowed them and bought land; the notes were deposited, they borrowed them again, and so on indefinitely. The guarantees required of the deposit banks were idle against such a scheme. There was, of course, little

[1] 51 Niles, 241.

specie in the West on account of the flood of paper there. The circular caused inconvenience, and bad temper on the part of those who were checked in their transactions. It also caused trouble and expense in transporting specie from the East, and it no doubt made a demand for specie in the East against the banks there. In the existing state of the Eastern banks, this demand was probably just the touch needed to push down the rickety pretense of solvency which they were keeping up. Specie could not be drawn in from Europe, except by a great fall in prices and a large contraction of the currency. Either through demand for specie or fall in prices, the inflated currency must collapse, and the crisis was at hand. Moreover, the banks were under notice to surrender, on January 1st, one fourth of the public deposits. Thousands of people who were carrying commodities or property for a rise, or who were engaged in enterprises, to finish which they depended on bank loans, found themselves arrested by the exorbitant rate for loans. The speculative period in England had also run its course, and the inflation here could no longer be sustained by borrowing there. From all these facts, it is plain that the specie circular may have played the *rôle* of the spark which produces an explosion when all the conditions and materials have been prepared; but those who called the circular the *cause* of the crisis made a mistake which is only too common in the criticism of economic events. A similar circular was issued in Adams's administration, which has hardly been noticed.[1] There was a great deal of outcry against the President for high-handed proceedings in this matter, but without reason. There were only two forms of

[1] 7 Adams, 427.

currency which were at this time by law receivable for lands, — specie and notes of specie value.[1] The notes which were being received in the West were not of specie value.

A bill to annul the specie circular passed the Senate, 41 to 5, and the House, 143 to 59. The President sent it to the State Department at 11.45 P. M., March 3, 1837, and filed his reasons for not signing it, it having been sent to him less than ten days before the end of the session. His reason for not signing the bill was that it was obscure.

The charter of the Bank of the United States was to expire March 3, 1836. The history of the internal affairs of the bank, after Tyler's report in 1834, was not known to the public until 1841, when committees of the stockholders published reports, from which we are able to state the internal history of the bank in its true historical connection. March 6, 1835, by a resolution of the directors, the exchange committee was directed to loan the capital of the bank, so fast as it should be released, on call on stock collateral. The exchange commiteee, from this time on, secured entire control of the bank. During the year 1835 branches were sold for bonds having from one to five years to run. Down to November, fifteen branches had been sold.[2] In November projects began to be talked about for getting a state charter from Pennsylvania.[3] There was a great deal of jealousy at this time between New York and Philadelphia. There was a proposition for a great fifty-million-dollar bank at New York, and it seemed that if

[1] Report by Silas Wright, May 16, 1838, with history of the laws about currency receivable at the Treasury, 55 Niles, 106.

[2] 49 Niles, 182.

[3] 49 Niles, 162.

Philadelphia lost her bank, and New York got one, the financial hegemony would be permanently transferred. In December, 1835, after the great fire in New York, the Bank of the United States was asked to give aid. It did so by opening credits for $2 million in favor of the insurance companies.[1]

The act of the Pennsylvania Legislature, by which the United States Bank of Pennsylvania was chartered, is, on its face, a piece of corrupt legislation. Its corruption was addressed to the people of the State, not to private individuals. It comprised three projects in an obvious log-rolling combination, — remission of taxes, public improvements, and bank charter. The bank was chartered [2] for thirty years. It was to pay a bonus of $2½ million, pay $100,000 per year for twenty years for schools, loan the State not over a million a year in temporary loans at four per cent, and subscribe $640,000 to railroads and turnpikes. Personal taxes were repealed by other sections of the bill, and $1,368,147 were appropriated, out of the bank bonus, for various canals and turnpikes. Either this bill was corruptly put together to win strength by enlisting local and personal interests in favor of it, or else the Pennsylvanians, having got their big bank to themselves, set to work to plunder it. The charter passed the Senate, 19 to 12, and the House, 57 to 30.[3] Inasmuch as the democrats had a majority in the Senate, it was charged that private corruption had passed the bill. An investigation resulted in nothing. There was found, in 1841, an entry, of about the date of the charter, of $400,000 expenditure, vouchers for which could not be produced.[4] Biddle

[1] 49 Niles, 307.
[2] 49 Niles, 377, 396.
[3] 49 Niles, 434.
[4] Second report, 1841, 60 Niles, 202.

represented the case as if the proposition that the State should charter the bank had originated with leading members of the Legislature, who asked the bank if it would accept a state charter.[1] The act was dated February 18, 1836. The bank accepted the charter, and presented a service of plate to Biddle.[2]

In the story of the bank war, which has been given in the preceding pages, the reader has perceived that the writer does not believe that Jackson's administration had a case against the bank, or that the charges it made were proven. To say this is to say that Jackson's administration unjustly, passionately, ignorantly, and without regard to truth assailed a great and valuable financial institution, and caluminated its management. Such was the opinion of people of that generation, at least until March 3, 1836. Jackson's charges against the bank were held to be not proven. The effect of them naturally was to make confidence in the bank blind and deaf. In January, 1836, when it was expected that the bank would wind up in two months, its stock stood at 116. For four years afterwards, nothing seemed able to destroy public confidence in the bank. One thing alone suggests a doubt, and makes one hold back from the adoption of a positive judgment in favor of the bank, even down to the end of its national charter: that is, a doubt of Biddle's sincerity. If he was not sincere, we have no measure for the degree of misrepresentation there may have been in his plausible statements and explanations, or for how much may have been hidden under the financial expositions he was so fond of making, and which were, like the expositions of a juggler, meant to mystify the audience still more.

[1] Biddle to Adams, 51 Niles, 230. [2] 49 Niles, 441.

The final catastrophe of the bank has always affected the judgment which all students of its history have formed of the merits of its struggle with Jackson. The Jackson men always claimed that the end proved that Jackson and his coterie were right all the time. This has probably been the general verdict. The whigs felt the weight of the inference, and they tried to distinguish between the Bank of the United States and the United States Bank of Pennsylvania. A little reflection will show that both these views are erroneous. A bank may go on well and be sound for twenty years, and then go wrong. It may make mistakes and recover, and then make more mistakes and perish. We must go by the facts all the way along. The state bank and the national bank of the United States had an unbroken life. The attempt to save one and condemn the other, aside from an investigation of the merits, is a partisan proceeding. It is not sound historically or financially. We have now reached as just an opinion as we can form about the bank up to the time of its state charter.

The bank started on its new career under very bad auspices. It never threw off the suspicion which attached to its legislative birth. It was too large for its new sphere, yet pride prevented its reduction. It had other aims than to win profits by sound banking. It wanted to prove itself necessary, or to show itself a public benefactor, or to sustain the rivalry of Philadelphia with New York. Biddle, freed from the restraints of the old organization, launched out into sensational banking, and tested his theories of banking to the utmost. There is scarcely anything vicious and unsound in banking which the great bank did not illustrate

during the next five years. Its officers plundered it. Its end was so ignominious that no one wanted to remember that he had ever believed in it.

On the 1st of February, 1836, the account of the bank[1] showed a surplus of $7.8 million, which was expected to pay off the bonus, notes, etc. There were $20 million loaned on stocks, and there was the state bonus, the government stock, and the circulation of the old bank to be paid. New stock was sold to pay off the government stock. £1 million were borrowed in London, and 12.5 million francs in Paris.[2] Jaudon was sent to England as agent of the bank. In May, the money market at New York being very stringent, the bank was asked for aid, which it gave.[3] By an act of June 15, 1836, Congress repealed the 14th section of the bank charter. This put an end to the receipt of the notes of the old bank by the Treasury, and crippled the circulation of the bank. In October there was a report that the bank would surrender its state charter if it could get back its bonus.[4] In that same month, however, Biddle wrote another letter to Adams to show the wrong of trying to repeal the state charter. June 23d, Congress authorized the Secretary of the Treasury to treat with the bank for the payment of the government stock. No agreement was reached, but, February 25, 1837, the bank sent a memorial to the Speaker, in which it offered to pay off the public shares, at $115.58 per share, in four instalments, September, 1837–38–39–40. This proposition was accepted March 3, 1837, and the instalments were all paid.

In his message, 1836, Jackson discharged a last

[1] 60 Niles, 106.
[2] First report, 1841, 60 Niles, 105.
[3] 50 Niles, 267.
[4] 51 Niles, 113.

broadside at the bank. He seemed to be as angry that the bank had escaped annihilation as he was in 1818 that Billy Bowlegs got across the Suwanee river. He complained that the bank had not paid off the public stock, and was reissuing its old notes. This latter proceeding was stopped by an act of July 6, 1838. The bank failed three times during the years of commercial distress which followed, namely, May 10, 1837, with all the other banks; October 9, 1839, when it carried down with it all which had resumed, except those in New York and a few in New England; February 4, 1841, when it was entirely ruined. Its stockholders lost all their capital.

Biddle had resigned March 29, 1839, but he had been so identified with the bank that its ruin was attributed to him. He fell into disgrace. He was arraigned for conspiracy to plunder the stockholders, but escaped on a technicality. He died, insolvent and broken-hearted, February 27, 1844, aged fifty-eight.[1]

Webster declared, in 1842, that a bank of the United States founded on a private subscription was an "obsolete idea;"[2] but perhaps the unkindest cut of all was that the Whig Almanac for 1843 could refer to "Nick Biddle" as a rascal, and to "his bank" as one which was "corruptly managed."

[1] Ingersoll, 285; a very touching description of Biddle's last years.

[2] 2 Webster's Works, 135.

CHAPTER XV.

THE NEW SPIRIT IN VARIOUS POINTS OF FOREIGN AND DOMESTIC POLICY.

The neglect of France to fulfil the stipulations of the treaty of July 4, 1831, offered the occasion for the most important diplomatic negotiation in which Jackson was engaged. In his message of 1834, he gave a full account of the treaty and of the neglect of the French Chambers, at two sessions, to appropriate money to meet engagements which had been made, on behalf of the French nation, by the constitutional authorities of France. The King had shown strong personal interest in the matter,[1] and had exerted himself to secure a satisfactory settlement and to prevent any bad feeling from arising between the two nations. In the mean time the United States had reduced the duties on wine, according to the engagement in the treaty, by an act of July 13, 1832, and France was getting the benefit of the treaty without performing her share of it. It seemed to Jackson that this state of things called for spirited action. Moreover, Livingston wrote a very important dispatch from Paris, November 22, 1834,[2] in which he said that there was a disposition in France to wait and see what the message would be; also that the moderate

[1] Livingston's dispatch, 47 Niles, 417. Rives came home in 1831. Livingston went out in 1833.

[2] 47 Niles, 417.

tone of the United States up to this time had had a bad effect. "From all this you may imagine the anxiety I shall feel for the arrival of the President's message. On its tone will depend very much, not only the payment of our claims, but our national reputation for energy." If Jackson had made a bad effect by too great moderation, that was precisely the error he knew how to correct, and our "reputation for energy" was just what he was prepared to sustain. Accordingly he prepared his message for 1834. The Duc de Broglie, the French minister, afterwards declared that the appropriation would have been passed in December, 1834, if copies of this message had not been just then received. Jackson was under erroneous information as to the time of meeting of the French Chambers. The Duc de Broglie had also, in the March previous, when the bill drawn by the American Treasury went to protest, found fault with the American government for selling the bill to a bank, instead of receiving the money through a diplomatic agent.[1] He argued that the United States ought not to have regarded the treaty as definitive until all the organs of the French government had assented to it. In his message, before mentioned, Jackson suggested that, if Congress inferred from the inaction of France that she did not intend to fulfil the treaty, it might proceed to measures of coercion, amongst which he mentioned, as suitable and "peaceable," reprisals. He proposed that a law should be passed authorizing reprisals, if France should neglect the fulfilment of the treaty beyond a certain time. He added that this suggestion ought not to be regarded by France as a "menace." Chevalier thought that Jackson, having

[1] 47 Niles, 327.

had his bout with the nullifiers, found his blood heated and his appetite for war reawakened; that he satisfied this appetite first in the bank war, and then in the difficulty with France.[1]

The message caused great excitement in France. The French journals all regarded it as a menace. The feeling was aroused that France could not then pay without dishonor.[2] Additional embarrassment arose from the fact that the King's active interest was revealed by the documents published in America. The bad temper of the French was still further increased when they read Rives's letters, in which he seemed to boast of having outwitted the French minister, and Livingston's letter, in which he suggested that France never would pay unless the message brought her behavior before Congress in a spirited way. The Committee on Foreign Relations of the Senate made a report,[3] in which they expressed full agreement with the President on all the essential points, but they regarded the proposition to employ reprisals as premature, and likely to embarrass the negotiations. In the House two reports were made,[4] but they were not important. The Senate voted unanimously, January 14, 1835, that it was not expedient to adopt any legislative measures in regard to the relations with France. In the House, J. Q. Adams took the lead in sustaining Jackson's position, and was largely influential in securing the adoption by the House, unanimously, March 2, 1835, of a resolution that the execution of the treaty should be insisted on. The French minister to the United States was recalled.

[1] Chevalier, 177. See his estimate of Jackson's character.

[2] French newspapers quoted, 47 Niles, 327.

[3] 47 Niles, 344.

[4] 48 Niles, 5 and 6.

His final note of January 14, 1835, was not received by Jackson, but was referred back to the French government. They approved of it.

In December, 1834, the French Chambers rejected a bill appropriating money to pay the indemnities. A cabinet crisis followed, not on account of this vote, but also not entirely, as it appears, without reference to it. The Duc de Broglie, however, returned to office with the understanding that provision was to be made for fulfilling the treaty. April 25, 1835, the French Chambers passed the appropriation, but with a condition that no money should be paid until "satisfactory explanations" of the President's message of 1834 should be received. The original condition in the law was, "until it shall have been ascertained that the government of the United States has adopted no measures injurious to French interests;"[1] but it was afterwards changed to the other form[2] by amendment. Livingston wrote a note, April 25, 1835, declaring that the message was a domestic document, for which no responsibility to any foreign power would be admitted; that the message of 1834 itself contained a sufficient disclaimer; and that the condition which had been incorporated in the act of the French Chambers would prevent it from being a satisfactory settlement.[3] He then came home. In Congress, whose session ended March 4th, an amendment to the usual appropriation bill for fortifications was proposed, by which $3 million were appropriated for extraordinary expenditures for defence, in case such should become necessary before the next session. The whole bill was lost, borne down, as it appears, by this amendment. As the relations with France

[1] 47 Niles, 436. [2] 48 Niles, 220. [3] 48 Niles, 318.

were still more critical when Congress next met, and nothing had been done for defence on account of the failure of that bill, a great deal of crimination and recrimination took place in an effort to fix the blame and responsibility. No result was reached. It is an interesting instance of the working of the element of responsibility under the American system.[1]

In the message of 1835 Jackson reviewed the whole affair, insisted that he had never used menace, and alluded to Livingston's final note to the French minister as having clearly so stated. He said that he would never apologize. A long dispatch of the Duc de Broglie to the French *chargé* here, in June, 1835, set forth the French case. It was read to Forsyth, but he declined to receive a copy.[2] Jackson directed Barton, *chargé d'affaires* at Paris, to make a specific inquiry what France intended to do. The Duc de Broglie replied that France would pay whenever the United States would say that it regretted the misunderstanding, that the misunderstanding arose from mistake, that the good faith of France had not been questioned, and that no menace was ever intended. This question and answer were exchanged in October, 1835.[3] Barton came home in January, 1836, and Pageot, the French *chargé*, was recalled at the same time, so that diplomatic relations were entirely broken off.

January 18, 1836, Jackson sent in a special message on the relations with France,[4] sending copies of Barton's correspondence. Livingston toned down[5] this message somewhat from the first intention; nevertheless Jackson again recommended coercive measures. He

[1] 49 Niles, 446. [2] 49 Niles, 353. [3] 49 Niles, 347.
[4] 49 Niles 345. [5] Hunt's *Livingston*, 428.

proposed to exclude French ships and products from the ports of the United States; that is to say, his reserve of force by which to sustain his spirited diplomacy was the old, imbecile, and worn-out device of a commercial war. He said that France was strengthening her navy; if against us, an apology from us was out of the question.

Thus this question had been pushed into the worst kind of a diplomatic dead-lock, out of which neither party could advance without fighting, and neither could recede without (supposed) dishonor. That is the evil of spirited diplomacy, for good diplomacy would avoid such a dead-lock as one of the worst blunders possible in the profession. The English government now intervened, and offered its good offices as mediator. The French government declared to the English that the President's message of 1835 had removed the bad impressions of that of 1834. This declaration was made known to Forsyth by the English minister at Washington, and was transmitted to Congress, with a message, by the President, February 22, 1836.[1] It was very good-natured of France to regard the message of 1835 as compliance with the demands which had been made to Barton in October. She simply covered her retreat, for she had been in the wrong on the merits of the question from the beginning, and she justly bore half the blame of the diplomatic dead-lock. March 19, 1836, the King of France ordered four instalments of the indemnity to be paid at once, in order to settle the matter down to date, according to the terms of the treaty.

Barry, the Postmaster-General, was the only member

[1] 49 Niles, 442.

of the cabinet retained in 1831. In his hands the administration of the Post-Office Department, both in its business and its finance, steadily declined. The complaints in 1834–35 of the irregularity and delay of the mails were very numerous and bitter. The department was also running in arrears in its finances. Both Houses of Congress, at the session of 1834–35, investigated the department. Barry's personal honesty does not seem to have been questioned, but his chief clerk, Rev. Obadiah B. Brown,[1] became for the time a very distinguished man, on account of relations with mail contractors, which, if innocent, were very improper. The contractors had made use of familiar devices, "straw bids," "unbalanced bids," "expedited service," etc., if not of corrupt influences on subordinates in the department, by which devices shrewd men take advantage of inefficient public officers.[2] Barry refused to answer some of the questions put to him, and, after the fashion of the time, published an "Appeal to the American People,"[3] instead. Brown resigned in an official document, imitated apparently from Van Buren's resignation of 1831.[4] He also published an "Appeal," etc. Jackson selected Kendall for Barry's successor, May 1, 1835. Kendall's administrative ability was great, and he speedily reorganized the department, and restored its efficiency. There was great doubt, however, when he was appointed, whether he would be confirmed. Barry was sent as minister to Spain, but died on his way thither.

The emancipation of the slaves in the British West Indies in 1833 gave a great impulse in the United

[1] See page 377.
[2] 47 Niles, 381, 393.
[3] 46 Niles, 338.
[4] 47 Niles, 395.

States to abolition sentiment and effort, which had not been active since the compromise of 1820 was adopted. The new spirit was manifested in the organization of societies, distribution of pamphlets and newspapers, petitions to Congress to abolish slavery in the District of Columbia, and other forms of agitation. The first efforts of this kind were frowned down all over the North, but the general movement grew. The sentiments of democracy and of religion were both against slavery, and every step which was taken to arrest the agitation — the gag law in Congress, by which petitions about slavery were practically shut out, and the mob violence which was employed against the agitators — only strengthened it. Towards the end of Jackson's second administration the antislavery agitation was a real growing movement, and an element in the social and civil life of the nation. The story of these things has been often told in detail, and may be passed over here. The history of the United States has, in fact, been studied by the present generation chiefly with regard to the slavery question. Jackson's administration was not called upon to act on the slavery issue save in one or two points.

The abolition societies adopted the policy of sending documents, papers, and pictures against slavery to the Southern States. If the intention was, as was charged, to incite the slaves to revolt, the device, as it seems to us now, must have fallen far short of its object, for the chance that anything could get from the post-office into the hands of a black man, without going through the hands of a white man, was poor indeed. These publications, however, caused a panic and a wild indignation in the South. The postmaster at Charleston, being lect-

ured by the people there on his duty, turned to the Postmaster-General for orders. August 4, 1835, Kendall gave an ambiguous reply, so far as orders were concerned. He, however, threw the postmaster on his own discretion, and then said for himself, "By no act or direction of mine, official or private, could I be induced to aid, knowingly, in giving circulation to papers of this description, directly or indirectly" (*i. e.*, papers alleged by the postmaster to be "the most inflammatory and incendiary, and insurrectionary to the last degree"). "We owe an obligation to the laws, but a higher one to the communities in which we live, and, if the former be perverted to destroy the latter, it is patriotism to disregard them. Entertaining these views, I cannot sanction, and will not condemn, the step you have taken" [in refusing to deliver certain mail-matter]. August 22d Kendall wrote a long letter to Gouverneur, postmaster at New York, elaborating and defending his position.[1] Politics were already combined with the slavery question in this incident. Kendall's confirmation by the Senate was very doubtful, and Van Buren's Southern support was ready to abandon him at a moment's notice if slavery came into account. Kendall won enough Southern votes to carry his confirmation.

When J. Q. Adams, in 1819, was negotiating with the Spanish minister the treaty by which the western boundary of the United States was defined, he could get no encouragement from Monroe or any of his ministers to try to push the boundary westwards.[2] Monroe appeared to think the United States would be weakened by including territory west of the Sabine.[3] It was not long, however, before the Southern slave-holding in

[1] 49 Niles, 8. [2] See page 67. [3] 11 Adams, 348.

terest began to see the error of this view of the matter. After the Missouri Compromise was adopted, it appeared that wild land for the formation of new free States was owned north of that line from the Mississippi to the Pacific, while south of that line similar land, available for new slave States, extended only to the Sabine and the 100 degree meridian. Only a few persons, however, as yet perceived this view of the matter. In 1819 (June 23d), one James Long proclaimed the independence of Texas.[1] In 1821 Austin colonized three hundred families in Texas, by permission of Mexico. In 1826 some American immigrants at Nacogdoches declared Texas independent. In 1824 the Emperor of Russia tried to establish exclusive control over the Northern Pacific, and the attention of the most far-seeing statesmen was drawn to the interests of the United States in the Northwest and on the Pacific. It seems necessary to bear in mind, all through the history of the annexation of Texas, the connection of that question with the acquisition of California, including the port of San Francisco, which was then the chief reason for wanting California. Adams, when President (1827), sent to Poinsett, minister of the United States in Mexico, orders to try to buy Texas for a million dollars. Poinsett did not make the attempt. He gave as his reason the danger of irritating Mexico by a proposition which was sure to be rejected.[2]

In 1824 Mexico took the first steps towards the abolition of slavery. By a decree of September 15, 1829,

[1] 17 Niles, 31; Jay.

[2] The attempt to buy Texas seems to have been Clay's act. Cf. 7 Adams, 239, 240; 9 Adams, 379; especially 11 Adams, 348.

slavery was definitively abolished. In the mean time, Americans had emigrated to Texas, chiefly from the Southern States, and had taken slaves thither. They resisted the abolition decree, and the Mexican government saw itself forced to except the State of Texas from the decree. It, however, united Texas with Coahuila, as a means of holding the foreign and insubordinate settlers in check. The abolition of slavery by Mexico affected the Southern States doubly: first, it lessened the area open to slavery; second, it put a free State on the flank and rear of the slave territory. The interest of the Southwestern States in the independence of Texas, or its annexation, was at once aroused. A fanciful doctrine, in the taste of the Southwestern statesmen, was immediately invented to give a basis for stump-speaking in defence of a real act of violence. It was declared that the United States must RE-annex what had once been maliciously given away by a Northern statesman. The gravity and care with which *re*-annexation was talked about had its parallel only in the theatrical legislation of nullification. In 1780 Spain claimed that the eastern boundary of Louisiana was such as to include nearly all the present State of Alabama, and the Hiawasee, Tennessee, Clinch, and Cumberland rivers through what is now Tennessee and Kentucky.[1] Inside of this claim she would take what she could get. The boundaries to the westward were still more vague. Therefore, any one who chose to dabble in the authorities could prove anything he liked, and think himself no contemptible scholar into the bargain. "Texas," as a State of the Mexican confederation, embraced only

[1] Ramsey, 523.

the southeastern corner of the territory now included in the State of that name.[1]

In the summer of 1829 Van Buren sent instructions to Poinsett to try to buy Texas, and five million dollars were offered for it. In 1830 Mexico, which had at first welcomed the immigrants, forbade Americans to settle in Texas. Of course this law had no effect.

We are indebted to a Dr. Mayo, who was a hanger-on at Washington during Jackson's time, for a little book in which most of the Texas intrigue is laid bare. Mayo was in the way of picking up certain information, and more came to him by accident. He gives also many documents. He was intimate with ex-Governor Samuel Houston, of Tennessee, an old companion in arms of Jackson, who came to Washington in 1829 to get Jackson's connivance at an enterprise which Houston had in mind for revolutionizing Texas. That Jackson did connive at this enterprise, just as he supposed Monroe connived at his own proceedings in Florida, cannot be established by proof, but it is sustained by very strong inference.[2]

April 5, 1832, two treaties with Mexico were published, — one of commerce and one of boundaries, — confirming the boundary of the Florida treaty.

In 1833 a revolution broke out in Mexico, which threw the whole country into anarchy, Texas with the rest. Santa Anna gradually established his authority.

[1] Carey & Lea's *Atlas*, 1822. Cf. Carey's map of 1814, on which Texas seems to be delineated as extending from the Nueces to the Sabine:

[2] See 11 Adams, 41, 347, 357, 363; and his Fifteen Day Speech, of June, 1838. Wise (*Decades*, 148), affirms it very positively. He is better authority on this point than on some others about which he is very positive, *e. g.*, the Adams-Clay bargain.

In the autumn of 1835 he tried to extend it over Texas, but he met with armed resistance, and was defeated. In July, 1835, Jackson authorized an offer of an additional half million dollars if Mexico would allow the boundary, after the cession of Texas, to follow the Rio Grande up to the thirty-seventh degree, and then run on that parallel to the Pacific.[1] All propositions to purchase failed. After the Texans proved able to beat the Mexicans in battle, no further propositions of that kind were made.

March 2, 1836, a Declaration of Independence, on behalf of Texas, was adopted. March 6th the fort of the Alamo was taken by the Mexicans, and its defenders massacred. On the 27th Colonels Fannin and Ward, with other Texan (or American) prisoners, were massacred. On the 17th of March the Constitution of Texas was adopted. It contained the strongest provisions in favor of slavery. The massacres aroused great indignation in the Southwest, and hundreds of adventurers hastened to Texas, where Houston was now chief in command, to help him win independence.[2] The decisive battle was fought at San Jacinto April 21st, when Santa Anna was routed and captured. He promised everything in captivity, but cancelled his promises after he was released. In June, 1836, Judge Catron wrote to Webster, from Tennessee, that the spirit was abroad through the whole Mississippi Valley to march to Texas.[3] Perhaps the disposition to march was not so strong elsewhere, but immense speculations in land had already been organized, and great speculations in

[1] 11 Adams, 362. [2] Jay, 28.

[3] 1 Webster's *Correspondence*, 523.

Texan [1] securities soon after began, which enlisted the pecuniary interests of great numbers of people in the independence of Texas.

A correspondence now began between the representatives of the governments of the United States and Mexico, which no American ought to read without shame. It would be hard to find an equally gross instance of bullying on the part of a large State towards a small one. Jackson had ordered that General Gaines should enter the territory of Texas, and march to Nacogdoches, if he thought there was any danger of hostilities on the part of the Indians, and if there was suspicion that the Mexican general was stirring up the Indians to war on the United States. Here we have another reminiscence of Florida revived. Gaines understood his orders, and entered the Mexican territory. Understanding also, no doubt, that the Jacksonian proceedings of 1818 had now been legitimized as the correct American line of procedure for a military officer, he called on the governors of the neighboring States for militia. Although companies were forming and marching to Texas under full organization, this "call" was overruled by the War Department. The energetic remonstrances of the Mexican minister finally led to an order to Gaines to retire from Texan territory, not, however, until after the Mexican minister had broken off diplomatic relations.

In July, 1836, both Houses voted, the Senate unanimously, that the independence of Texas ought to be acknowledged as soon as Texas had proved that she

[1] The first issue of Texan bonds was authorized in November 1836. The first Treasury notes were issued November 1, 1837 (Gouge's *Texas*, 57, 71.)

could maintain it. Texas was already represented by agents applying for annexation. Jackson recommended longer delay in a message of December 21, 1836. The fact was that the geographical definition of "Texas" was not yet satisfactorily established, and it was not desirable to have annexation settled too soon. An act was passed by the Legislature of Texas, December 19, 1836, by which the Rio Grande was declared to be the western boundary of Texas. In his message of December 22d Jackson submitted the report of his agent that the boundaries of Texas, before the last revolution, were the Nueces, the Red, and the Sabine rivers, but that she now claimed as her boundary the Rio del Norte to its source, and from that point eastward and southward the existing boundary of the United States.[1] That is as if Maine should secede and claim that her boundaries were the Alleghanies and the Potomac. Jackson's message distinctly pointed out that in taking Texas then, or later, the United States would take her with her new boundary claims. That is as if Maine should join the Dominion of Canada, and England should set up a claim to the New England and Middle States based on the "declaration" of Maine above supposed. The policy was to keep the Texas question open until California could be obtained. The Mexican war ultimately became necessary for that purpose, and for no other; for Texas, even to the Rio Grande, could have been obtained without it.[2] Another reason for delay was that opposition to the annexation of Texas had been aroused in the North, and there was not yet strength enough to carry it. May 25, 1836, Adams[3] made a speech against

[1] Document L.

[2] 3 Von Holst, 67, 81, 103, 108, 112; Jay, 130.

[3] 50 Niles, 276.

a war with Mexico to conquer Texas, which had great influence in the North.

March 1, 1837, the Senate recognized the independence of Texas, 23 to 19. The House did not concur in full form, but in effect.

In 1836 the government of the United States opened a new battery against that of Mexico in the shape of a series of claims and charges. The diplomatic agent of the former power, Powhatan Ellis, performed his duties in such a rude and peremptory manner that one is forced to suspect that he acted by orders, especially as his rank was only that of *chargé d'affaires*. The charges were at first 15 in number, then 46, then 57. They were frivolous and forced, and bear the character of attempts to make a quarrel.[1] Ellis abruptly came home. In August, 1837, the agent of Texas, Memucan Hunt, made a formal proposal for annexation. Van Buren declined it. Mexico next proposed a new negotiation with arbitration in regard to the claims and charges made against her by the United States. The opposition to annexation in the North had grown so strong that delay was necessary, and negotiations were opened which resulted in the convention of August 17, 1840. Mexico could not fulfil the engagements she entered into in that treaty, or in a subsequent one of 1843, and so the question was reopened, and finally was manœuvred into a war. It appears that Van Buren had the feeling which any President will be sure to have, adverse to any war during his administration. The Mexican war was forced on by a cabinet intrigue, and Tyler forced it on Polk.

The Texas intrigue and the Mexican war were full of Jacksonian acts and principles. There are constant

[1] Jay, 36 fg.

outcroppings of the old Seminole war proceedings and doctrines. The army and navy were corrupted by swagger and insubordination, and by the anxiety of the officers to win popularity by the methods of which Jackson had set the example.[1] The filibustering spirit, one law for ourselves and another for every one else, gained a popularity for which Jackson was much to blame. During the Texas intrigue Jackson engaged in private and personal correspondence on public questions with diplomatic agents, who were not always accredited, after the fashion of Louis XV. in the King's Secret.[2] His "spirited diplomacy" was reduced to a farce when two such men as Polk and Buchanan tried to employ it in the Oregon question.

In 1834 the case of Briscoe *vs.* The Bank of the Commonwealth of Kentucky was argued before the Supreme Court.[3] Briscoe and others gave a note, in 1830, which they did not pay at maturity. In the state Circuit Court, Briscoe pleaded "no consideration," on the ground that the note was given for a loan of notes of the Bank of the Commonwealth, which were "bills of credit" within the prohibition of the Constitution, and therefore of no value. The state court found for the bank. The state Court of Appeals affirmed that decision. The case was carried to the Supreme Court of the United States on a writ of error. The court consisted, in 1834, of Chief Justice Marshall, of Virginia, appointed by Adams in 1801; and Associate Justices

[1] In 1824 Commodore Porter was guilty of an outrage at Foxardo, Porto Rico. When court-martialled, he made an elaborate comparison of his proceedings with those of Jackson in Florida, by way of defence. (28 Niles, 370.) He was cashiered.

[2] 11 Adams, 357.

[3] 8 Peters, 118.

Johnson, of South Carolina, appointed by Jefferson in 1804; Duvall, of Maryland, appointed by Madison in 1811; Story, of Massachusetts, appointed in the same year by the same; Thompson, of New York, appointed by Monroe in 1823; McLean, of Ohio, appointed by Jackson in 1829; and Baldwin, of Pennsylvania, appointed by Jackson in 1830. Johnson was absent all the term. Duvall was absent part of the term. Of the five who heard the argument in Briscoe's case, a majority thought that the notes of the Bank of the Commonwealth were bills of credit under the decision in Craig *vs.* Missouri,[1] but there were not four, a majority of the whole, who concurred in this opinion. The rule of the court was not to pronounce a state law invalid for unconstitutionality unless a majority of the whole court should concur. Hence no decision was rendered.

The Circuit Court of Mercer County, Kentucky, decided in 1834, under the decision in Craig *vs.* Missouri, that the notes of the Bank of the Commonwealth were bills of credit.[2]

Judge Johnson died in 1834. Duvall resigned in January, 1835. Wayne took his seat January 14, 1835. Hence there was one vacancy in 1835, and Briscoe's case went over. Marshall died July 6, 1835. In 1836 there were only five judges on the bench of the court. Taney was confirmed March 15, 1836. P. P. Barbour, of Virginia, was confirmed on the same day. This made the court complete again. Three changes had taken place since 1834, and five of the seven judges were now Jackson's appointees.

Briscoe *vs.* The Bank was decided in January, 1837. The decision was by McLean. It was held that a bill

[1] See page 135.

[2] 46 Niles, 210.

of credit "is a paper issued by the sovereign power, containing a pledge of its faith and designed to circulate as money." Notes, to be bills of credit, must be issued by the State and bind the faith of the State. Commissioners of issue must not impart any credit by signature, nor be responsible. Hence it was held that the notes of the Bank of the Commonwealth were not bills of credit. Story rendered a very strong and unusually eager dissenting opinion. In it he gave a summary history and analysis of "bills of credit" as they existed before the Revolution, and as they were understood by the Constitution-makers. He explicitly referred to the former hearing of the case, and said that Marshall had been in the majority against the constitutionality of the issues.

The decision in Briscoe's case marks the beginning of a new era in the history of the constitutional law of the United States. Up to that time the court had not failed to pursue the organic development of the Constitution, and it had, on every occasion on which it was put to the test, proved the bulwark of constitutional liberty, by the steadiness and solidity of judgment with which it had established the interpretation of the Constitution. Our children are familiarized, in their school-books, with the names of statesmen and generals, and popular tradition carries forward the fame of men who have been conspicuous in public life; but no one who really knows how the national life of the United States has developed will dispute the assertion that no man can be named to whom the nation is more indebted for solid and far-reaching services than it is to John Marshall. The proceedings of the Supreme Court are almost always overlooked in ordinary narrations of history, but he who

looks for real construction or growth in the institutions of the country should look to those proceedings first of all. Especially in the midst of a surging democracy, exposed to the chicane of political mountebanks and the devices of interested cliques, the firmness and correctness with which the court had held its course on behalf of constitutional liberty and order had been of inestimable value to the nation. The series of great constitutional decisions, to which reference has been made in the preceding pages, have now entered into the commonplaces of our law. They have been tested through three quarters of a century. To see in the retrospect that they were wise, and that the contrary decisions would have produced mischief, is one thing; to see at the time, in the heat of controversy and under the clamor of interests, what was the sound and correct interpretation, and to pronounce it in spite of abuse, was another thing.

In Briscoe's case the court broke the line of its decisions, and made the prohibition of bills of credit nugatory.[1] If the degree of responsibility and independent authority which the directors of the Bank of the Commonwealth of Kentucky possessed, and the amount of credit they gave to the notes aside from the credit of the State, was sufficient to put those notes outside the prohibition of the Constitution, then no State could find any difficulty in making a device for escaping the constitutional prohibition. Wild-cat banking was granted standing ground under the Constitution, and the

[1] "A virtual and incidental enforcement of the depreciated notes of the state banks, by their crowding out a sound medium, though a great evil, was not foreseen." (Madison to C. J. Ingersoll, February 22, 1831; 4 Elliott, 641.)

boast that the Constitutional Convention had closed and barred the door against the paper money with which the colonies had been cursed was without foundation. The great "banks" set up by the southwestern States between 1835 and 1837 were protected by this decision. They went on their course, and carried those States down to bankruptcy and repudiation. The wild-cat banking which devastated the Ohio States between 1837 and 1860, and miseducated the people of those States until they thought irredeemable government issues an unhoped-for blessing, never could have existed if Story's opinion had been law. The legal-tender notes of 1862 and the decisions of the Supreme Court on the constitutionality of the legal-tender act must have borne an entirely different color, if Marshall's opinion had prevailed in Briscoe's case.

Jackson's appointments introduced the mode of action, by the Executive, through the selection of the judges, on the interpretation of the Constitution by the Supreme Court. Briscoe's case marked the victory of Kentucky relief finance and state-rights politics over the judiciary. The effect of political appointments to the bench is always traceable, after two or three years, in the reports, which come to read like a collection of old stump speeches. The climax of the tendency which Jackson inaugurated was reached when the court went to pieces on the Dred Scott case, trying to reach a decision which should be politically expedient, rather than one which should be legally sound. A later and similar instance is furnished by the legal-tender cases. As for the immediate effect of Jackson's appointments, it may be most decorously stated by quoting from Story's reasons, in 1845, for proposing to resign: "I have been

long convinced that the doctrines and opinions of the old court were daily losing ground, and especially those on great constitutional questions. New men and new opinions have succeeded. The doctrines of the Constitution, so vital to the country, which, in former times, received the support of the whole court, no longer maintain their ascendency. I am the last member now living of the old court, and I cannot consent to remain where I can no longer hope to see those doctrines recognized and enforced." [1]

During Jackson's second term the growth of the nation in wealth and prosperity was very great. It is plain, from the history we have been pursuing, in spite of all the pettiness and provincialism which marked political controversies, that the civil life of the nation was growing wider and richer. It was just because there was an immeasurable source of national life in the physical circumstances and in the energy of the people that the political follies and abuses could be endured. If the politicians and statesmen would only let the nation alone it would go on, not only prosperously, but smoothly; that is why the non-interference dogma of the democrats, which the whigs denounced as non-government, was in fact the highest political wisdom. On reflection it will not be found strange that the period 1829 to 1837 should have been marked by a great deal of violence and turbulence. It is not possible that a growing nation should spread over new territory, and feel the thrill of its own young energies contending successfully with nature in all her rude force, without social commotions and a certain recklessness and uproar. The contagion of these forms of disorder produces other and

[1] 2 Story's *Story*, 527.

less excusable forms. On account of the allowance to be made for violence and lawlessness under the circumstances, and also on account of the disagreeableness of recalling, if it can be avoided, old follies, no recapitulation of the outrages, mobs, riots, etc., of the period will here be attempted. Suffice it to say that they were worse and more numerous than either before or since. Brawls and duels between congressmen, and assaults on congressmen by persons who considered themselves aggrieved by words spoken in debate, were very frequent at Washington. The cities possessed, as yet, no police. The proposition to introduce police was resented as an assault on liberty. Rowdies, native Americans, protestants, firemen, anti-abolitionists, trades-unionists, anti-bank men, etc., etc., in turn produced riots in the streets of the great Eastern cities. From the South came hideous stories of burning negroes, hanging abolitionists, and less heinous violence against the mails. From Charlestown, Massachusetts, came the story of the cruel burning of a convent. Niles, in August, 1835, gathered three pages of reports of recent outrages against law and order.[1] A month later he has another catalogue, and he exclaims in astonishment that the world seems upside down.[2] The fashion of the time seemed to be to pass at once from the feeling to the act. That Jackson's character and example had done something to set this fashion is hardly to be denied. Harriet Martineau and Richard Cobden, both friendly critics, were shocked and disappointed at the social condition. Adams, in 1834, wrote thus: "The prosperity of the country, independent of all agency of the government, is so great that the people have nothing to disturb them but their own way-

[1] 48 Niles, 439. [2] 49 Niles, 49.

wardness and corruption. They quarrel upon dissensions of a doit, and split up in gangs of partisans of A, B, and C, without knowing why they prefer one to another. Caucuses, county, state, and national conventions, public dinners and dinner-table speeches, two or three hours long, constitute the operative power of electioneering; and the parties are of working men, temperance reformers, anti-masons, Union and state-rights men, nullifiers, and, above all, Jackson men, Van Buren men, Clay men, Calhoun men, Webster men, and McLean men, whigs and tories, republicans and democrats, without one ounce of honest principle to choose between them."[1] In his long catalogue he yet omitted abolitionists and native Americans, the latter of whom began to be heard of as soon as foreign immigration became great. Great parties did not organize on the important political questions. Men were led off on some petty side issue, or they attached themselves to a great man, with whom they hoped to come to power. The zeal of these little cliques was astonishing. One feels that there must have been a desire to say to them: No doubt the thing you have taken up as your hobby is fairly important, but why get so excited about it, and why not pursue your reformatory and philanthropic work outside of politics? Why not go about your proposed improvement soberly and in due measure? The truth was that nearly all the cliques wanted to reach their object by the short cut of legislation, that is, to force other people to do what they were convinced it was a wise thing to do, and a great many of them also wanted to make political capital out of their "causes." There was something provincial about the gossip and

[1] 9 Adams, 187.

news-mongering over small things, and about the dinners and ovations to fourth-rate men. One wonders if the people had not enough interesting things to occupy them. They could not have been very busy or hard-worked, if they had time to spend on all these things. There was something bombastic, too, about the way in which an orator took up a trifle. Everything in the surroundings forced him to be inflated and meretricious, in order to swell up to the dimensions of the occasion the trifle with which he was forced to deal. At the same time serious things, like nullification, were treated by the same inflated method, which made them ridiculous. On every occasion of general interest the people ran together for a public meeting. Their method of doing their thinking on any topic seemed to be to hear some speeches about it. No doubt this was one reason why there was so much heat mixed up with all opinions.

The prevailing disposition to boast, and the oversensitiveness to foreign criticism which was manifested, were additional symptoms of immaturity.

January 30, 1835,[1] Jackson attended the funeral, at the Capitol, of Warren R. Davis, of South Carolina. As he came out through the rotunda, a man named Richard Lawrence snapped two pistols in succession at him. Neither was discharged. Lawrence gave half a dozen inconsistent reasons for the act. He was plainly insane. Jackson immediately gave the attack a political significance. Some days after it occurred Harriet Martineau called upon him, and referred to the "insane attempt." "He protested, in the presence of many strangers, that there was no insanity in the case. I was

[1] 47 Niles, 340.

silent, of course. He protested that there was a plot, and that the man was a tool." [1] He went so far as to name Senator Poindexter, of Mississippi, as the instigator. He was at feud with Poindexter, although the latter had been with him at New Orleans, and had defended him in Congress in the Seminole war affair. Harriet Martineau says it was expected at Washington that they would have a duel as soon as Jackson's term was out. This was probably based on a reputed speech of Poindexter, to which the "Globe" gave currency.[2] That paper, nearly a month after the attempted assassination, treated the charge against Poindexter as not at all incredible. Poindexter obtained an investigation by the Senate, when the charge was, of course, easily proven to rest upon the most frivolous and untrustworthy assertions, no one of which would bear the slightest examination, and some of which were distinctly false. The incident, however, illustrated one trait of Jackson's character, which has been noted several times before. The most extravagant and baseless suspicion of a personal enemy in connection with an injury to himself struck his mind with such a degree of self-evident truth that external evidence to the contrary had no influence on him. In the present case, this fault laid him open to a charge of encouraging persons who had committed perjury and suborned others to do so. Lawrence, on his trial, continually interrupted the proceedings. He was acquitted, and remanded to custody as an insane person.

A faction arose in New York city in 1834–35, which

[1] 1 Martineau, *Western Travel*, 162. She was in the Capitol when the attack occurred.

[2] 48 Niles, 33.

called itself the "equal rights party," or the "Jeffersonian anti-monopolists." The organization of the Tammany Hall democrats, under Van Buren and the regency, had become rigid and tyrannical. The equal rights faction revolted, and declared that Tammany was aristocratic. They represented a new upheaval of democracy. They took literally the dogmas which had been taught them, just as the original Jackson men had done ten years before, only that now, to them, the Jackson party seated in power seemed to have drifted away from the pure principles of democracy, just as Monroe had once appeared to the Jackson men to have done. The equal rights men wanted "to return to the Jeffersonian fountain" again, and make some new deductions. They revived and extended the old doctrines which Duane, of the "Aurora," taught at the beginning of the century in his "Politics for Farmers," and similar pamphlets. In general the doctrines and propositions might be described as an attempt to apply the procedure of a township democracy to a great state. The equal rights men held meetings at first secretly, at four different places, and not more than two successive times at the same place.[1] They were, in a party point of view, conspirators, rebels, — "disorganizers," in short; and they were plotting the highest crime known to the political code in which they had been educated, and which they accepted. Their platform was: No distinction between men save merit; gold and silver the only legitimate and proper circulating medium; no perpetuities or monopolies; strict construction of the Constitution; no bank charters by States (because banks of issue favor gambling, and are "calculated to build up and

[1] Byrdsall, 16.

strengthen in our country the odious distribution of wealth and power against merits and equal rights") ; approval of Jackson's administration ; election of President by direct popular vote. They favored the doctrine of instructions. They also advocated free trade and direct taxes.[1] They had some very sincere and pure-minded men among them, a large number of overheated brains, and a still larger number of demagogues, who were seeking to organize the faction as a means of making themselves so valuable that the regular managers would buy them. The equal rights men gained strength so rapidly that, on the 29th of October, 1835, they were able to offer battle to the old faction at a primary meeting in Tammany Hall for the nomination of a congressman and other officers. The "regular" party entered the hall by the back entrance, and organized the meeting before the doors were opened. The anti-monopolists poured in, nominated a chairman and elected him, ignoring the previous organization. The question of "equal rights" between the two chairmen was then settled in the old original method which has prevailed ever since there has been life on earth. The equal rights men dispossessed the other faction, and so proved the justice of their principles. The non-equal rights party then left the hall, but they "caused" the equal rights men "to be subjected to a deprivation of the right" to light by turning out the gas. The equal rights men were thus forced to test that theory of natural rights which affirms that said rights are only the chance to have good things, *if one can get them.* In spite of their dogma of the equality of all men, which would make a prudent man no better than a careless

[1] Byrdsall, 103.

one, and a man with capital no better than one without capital, the equal rights men had foreseen the emergency, and had provided themselves with capital in the shape of candles and loco-foco matches. They thus established their right to light, against nature and against their enemies. They duly adopted their platform, nominated a ticket, and adjourned. The regular leaders met elsewhere, nominated the ticket which they had previously prepared, and dispensed, for that occasion, with the ornamental and ceremonious formality of a primary meeting to nominate it.

On the next day the "Courier and Enquirer" dubbed the equal rights party the loco-focos, and the name clung to them.[1] Hammond quotes a correspondent[2] who correctly declared that "the workingmen's party and the equal rights party have operated as causes, producing effects that will shape the course of the two great parties of the United States, and consequently the destinies of this great republic." The faction, at least in its better elements, evidently had convictions and a programme. It continued to grow. The "Evening Post" became its organ. That paper quarrelled with the administration on Kendall's order about the mails, and was thereupon formally read out of the party by the "Globe."[3] The loco-focos ceased to be a revolting faction. They acquired belligerent rights. The faction, however, in its internal economy ran the course of all factions. It went to extremes, and then began to split up. In January, 1836, it declared its independence of the democratic-republican party. This alienated all who hated the party tyranny, but who wanted re-

[1] 49 Niles, 162.
[2] 2 Hammond, 503.
[3] 49 Niles, 78.

form in the party. The faction declared itself opposed to all acts of incorporation, and held that all such acts were repealable. It declared that representative institutions were only a practical convenience, and that Legislatures could not create vested rights.[1] Then it went on to adopt a platform of "equality of *position*, as well as of rights."

In October, 1836, Tammany made overtures to the equal rights men for a reunion, in preparation for the presidential election. Some of the loco-focos wanted to unite; others refused. The latter were the men of conviction; the former were the traders. The former called the latter "rumps;" the latter called the former "buffaloes."[2] Only one stage now remained to complete the old and oft-repeated drama of faction. A man named Slamm, a blatant ignoramus, who, to his great joy, had been arrested by order of the Assembly of New York for contempt and breach of privilege, and who had profited to the utmost by this incident to make a long "argument" against the "privilege" of an American Legislature, and to pose as a martyr to equal rights, secured his own election to the position of secretary of the equal rights party. He then secured a vote that no constitutional election could be held unless called by the secretary. He never would call one. There were those who thought that he sold out the party.

Thus the faction perished ignominiously, but it was not without reason that its name passed, a little later, to the whole Jackson-Van Buren party; *i. e.*, to the radical anti-paper currency, not simply anti-United States Bank, wing of the national democratic party. The

[1] Byrdsall, 41. [2] Byrdsall, 178.

equal rights men maintained impracticable doctrines of civil authority and fantastic dogmas about equality, but when these were stripped away there remained in their platform sound doctrines and imperishable ideas. They first put the democratic party on the platform which for five or six years it had been trying to find. When it did find that platform it was most true to itself, and it contributed most to the welfare of the country. To-day the democratic party is, by tradition, a party of hard money, free trade, the non-interference theory of government, and no special legislation. If that tradition be traced up to its source, it will lead back, not to the Jackson party of 1829, but to the loco-focos of 1835

CHAPTER XVI.

THE ELECTION OF 1836. — END OF JACKSON'S CAREER.

The attempt was made in 1834 to unite and organize the whole opposition to Jackson. Niles first mentions the party name "whig" in April, 1834.[1] He says that it had come into use in Connecticut and New York. It was adopted with antagonistic reference to the high prerogative and (as alleged) tory doctrines of Jackson. The anti-masons and national republicans ultimately merged in the new whig party, but time was required to bring about that result. In 1834 it was impossible. The anti-masons insisted on acting independently. Their candidate for President then was Francis Granger.[2] Clay would not run in 1836 because he could not unite the opposition. He was disgusted with public life, and desired to retire.[3]

The administration party, on the other hand, was perfectly organized. The corps of federal office-holders had been drilled by the "Globe" into thorough discipline and perfect accord of energy and will. Each officer was held to "revere the chief," and to act in obedience to the indications of his will which came through the "Globe." They did so. There was no faltering. There was only zealous obedience. It caused some bewilderment to remember that this was the party which had denounced Adams for using the federal officers to

[1] 46 Niles, 101. [2] 50 Niles 234. [3] 9 Adams, 170.

electioneer. Lewis had been known to interfere directly in elections, and Blair had done the same in his private capacity.[1] The party had been wonderfully held together. In 1830 there were only four anti-Jackson Legislatures in the Union, namely, Vermont, Massachusetts, Connecticut, and Delaware. In the six years from 1830 to 1835, both inclusive, twenty-seven States held 162 sessions of their Legislatures. Of these 116 had Jackson majorities, 40 anti-Jackson, and 4 Calhoun.[2] There was some talk of a third term for Jackson, but it never grew strong. The precedents were cited against it. Jackson's bad health and Van Buren's aspirations were perhaps stronger objections. Adams says that Jackson had "wearied out the sordid subserviency of his supporters."[3] That is not at all improbable.

The democratic convention was held at Baltimore, May 20, 1835. Jackson had written to Tennessee recommending that a convention should be held of "candidates fresh from the people." There were not wanting those who called this convention a caucus, and said that it was the old congressional monster in a new mask. Tennessee did not send any delegates. Even Jackson could not bring that State to support Van Buren. Tennessee was a whig State until 1856. Her hostility to Van Buren was adroitly combined with that of Pennsylvania, in 1844, by the selection of Polk as a candidate, to defeat Van Buren. In 1835 a caucus of the New Hampshire Legislature, which nominated Hill for Governor, passed a resolution begging Tennessee not to divide the party.[4] Tennessee, however, had another

[1] 40 Niles, 299.
[2] 63 Niles, 308.
[3] 9 Adams, 312.
[4] 48 Niles, 322.

very popular candidate, Hugh L. White, a former friend of Jackson, whom Jackson now hated as a traitor and renegade.[1] John Bell, the Speaker, was a supporter of White, and he and his friends claimed that they were not in opposition; that they and White were good republicans, and that they preferred White to the man whom Jackson had selected.[2] The "Globe" attacked Bell with bitterness. Jackson was greatly enraged, and exerted himself personally and directly against White.[3] One Tennessee man, being in Baltimore when the convention was held, took upon himself to represent that State. His name was Rucker, and to "ruckerize" passed into the political slang of the day, meaning to assume functions without credentials.

The Baltimore convention was largely composed of office-holders. Twenty-one States were represented.[4] Andrew Stevenson, of Virginia, was chairman. The two-thirds rule was adopted, because Van Buren was sure of two thirds. He actually got a unanimous vote, 265. For Vice-President, R. M. Johnson, of Kentucky, got 178 votes; W. C. Rives, of Virginia, 87. The Virginia delegation declared, on the floor of the convention, that Virginia would never vote for Johnson, because he favored tariff, bank, and internal improvements, and because they had no confidence in his principles or character.[5] Van Buren, in his letter of acceptance,[6] said that he had been mentioned as Jackson's successor "more through the ill-will of opponents than the partiality of friends." That statement was so adroit that it would take a page to tell whether it

[1] See page 312.
[2] Bell's speech in 48 Niles, 334.
[3] 49 Niles, 35.
[4] 48 Niles, 207, 227, 244.
[5] 48 Niles, 248.
[6] 48 Niles, 257.

was true or not. He made a full and eager declaration that he had asked for no man's support. He said that he would "endeavor to tread generally in the footsteps of President Jackson, — happy if I shall be able to perfect the work which he has so gloriously begun." Johnson, in his letter of acceptance,[1] declared that he was opposed to the old bank, or to one like it, but thought that such a bank as Jackson talked of in his earliest messages might be a good thing. On tariff and internal improvements he said that he agreed with Jackson. Van Buren was fifty-four years of age and Johnson fifty-six. Johnson had been in Congress ever since 1807, except during the second war with England, when he took the field. He served with some distinction, but a ridiculous attempt to credit him with the killing of Tecumseh has caused his real merits to be forgotten. As a public man he managed to be as near as possible to the head of every popular movement, and to get his name connected with it, but he never contributed assistance to any public business. His name is also met with frequently as a messenger, middle-man, manipulator, and general efficiency man of the Jackson party. He made a report, in 1829, on the question of running the mails on Sunday, which was one of his claims to fame. It was written for him by the Rev. O. B. Brown.[2] A chance was found in this report to utter some noble sentiments on religious liberty, and to lay down some specification of American principles in that regard which were not likely to provoke contradiction. This valuable production was printed on cloth, and hung up in stage offices and bar-rooms all over the country.

[1] 48 Niles, 329.

[2] See page 349. Kendall's *Autobiography*, 107.

Johnson had nourished presidential aspirations for some years. He did not abandon them till 1844.

The anti-Jackson men, in 1834–35, were opposed, on principle, to a national convention. They said that the convention was King Caucus revived. The anti-masons held a state convention at Harrisburg, December 16, 1835.[1] It was decided not to call a national convention. They thought the free action of the people would be best brought out by state conventions. They nominated William H. Harrison by 89 votes to 29 for Webster and 3 for Granger. For Vice-President, Granger got 102 votes; Hugh L. White, 5; William Slade, of Vermont, 5; and William A. Palmer, of Vermont, 7. The whigs of Pennsylvania adopted the nominations of the anti-masons, and coalesced with them. Webster was very anxious, at this time, to be nominated and supported by the whigs. It pleases some people to think that Webster ought not to have had this ambition. He was a strange compound of the greatest powers and some mean traits. To such a man the presidential ambition is very sure to mean moral shipwreck. Still it was not wrong for Webster to want the insignia of success in his career. His dissatisfaction was well-founded when, after his splendid services, he saw William Henry Harrison preferred before him; and it is a point which deserves careful attention, that, if Webster's just ambition had been fairly gratified, he would have been a better man. He was nominated by the Legislature of Massachusetts.

Hugh L. White, of Tennessee, was nominated by the Legislatures of Alabama, Tennessee, and Illinois. Judge McLean was nominated in Ohio. He had had presi-

[1] 49 Niles, 265, 287.

dential aspirations ever since 1828.[1] The Northern whigs supported Harrison, and the Southern whigs supported White. Thus the opposition went into the campaign disorganized and devoted to defeat.

Harrison and White were of the same age, sixty-three. Harrison was a man of no education. He had done some good service as an Indian fighter. The anti-Jackson men, who had derided Jackson's candidature because he was not a statesman, selected, in Harrison, the man nearest like him whom they could find. They hoped to work up a popularity for him on the model of Jackson's popularity.[2] Harrison answered the anti-masons that he was not a mason, and did not like masonry, but that the federal government had nothing to do with that subject. This did not satisfy Thaddeus Stevens, who wanted Webster.[3] White has been mentioned several times. He had a fair education, a good character, and was very much respected, but he was a man of only ordinary ability.

During the winter of 1835–36 there was a great struggle in the House over a contested election in North Carolina. It was thought very probable that the presidential election might be thrown into the House, and the vote of North Carolina might decide the result. The sitting member (Graham) was unseated, and the case was referred back for a new election.

There were two States whose admission was pending when the election approached, — Arkansas and Michigan. In 1835 Michigan became involved in a boundary

[1] Kendall's *Autobiography*, 304.

[2] For an estimate of Harrison, written in 1828, which is perhaps too highly colored to quote, see 7 Adams, 530.

[3] 9 Adams, 273.

dispute with Ohio. The act which organized the territory of Michigan, January 11, 1805, described, as its southern boundary, a due east and west line running through the southernmost point of Lake Michigan. The Constitution of Ohio gave that State, as its northern boundary, a line drawn from the southernmost point of Lake Michigan to the northernmost cape of Maumee Bay. Indiana's northern boundary had been described as a due east and west line ten miles north of the southernmost point of Lake Michigan. The northern boundary of Illinois had been placed on the parallel of 42° 30′. Michigan, therefore, found her territory reduced. Jackson, at first, on the advice of Butler, the Attorney-General, took the side of Michigan. The people of Michigan held a convention in September, 1835, and framed a Constitution, which was to go into effect in November. In October, the Assistant Secretary of State, Asbury Dickens, wrote, at the President's orders, that no such reorganization of the government could take place without the consent of Congress. In 1835–36 there was some danger of an armed collision between Ohio and Michigan; but it is not easy, on account of the rhetoric which was then in fashion, to judge how great this danger was. June 15, 1836, Arkansas and Michigan were admitted together; but Michigan was put under the condition that she must accept the southern boundary which resulted from the northern lines of Indiana and Ohio, and accept compensation on the peninsula north of Lake Michigan. The Legislature of Michigan, in July, called a convention, which met September 26th, and rejected the condition. On the 5th and 6th of December, by the spontaneous action of the people, delegates were elected to a convention, which met December 14, 1836,

and assented to the condition. Jackson, in a message, December 26th, informed Congress of the action of Michigan.[1] Michigan was admitted January 26, 1837. She offered a vote in the presidential election. In announcing the vote, the vote of Michigan was included in the alternative form.

In the spring of 1836 Sherrod Williams interrogated the candidates for President. Harrison [2] favored distribution of the surplus revenue and of the revenue from lands; opposed internal improvements except for works of national scope and importance; would charter a bank, but with great reservations; thought that neither House of Congress had a right to expunge anything from its records. Van Buren opposed national bank, internal improvements, and all distribution. The equal rights men interrogated the candidates. The committee reported that they were greatly pleased with Johnson's replies, but that Van Buren's were unsatisfactory. Many "irreconcilable" equal rights men refused to vote for Van Buren. Later, however, he became fully identified with that wing of the national democratic party which took up the essential features of the loco-foco doctrine.

In the election [3] Van Buren received 170 votes, counting 3 of Michigan; Harrison, 73; White, 26 (Georgia and Tennessee); Webster, 14 (Massachusetts); W. P. Mangum, of North Carolina, 11 (South Carolina). Van Buren's majority over all was 46. Van Buren's and Harrison's votes were well distributed geographically. Van Buren carried Maine, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, North Carolina, Alabama, Mississippi, Louisiana, Illinois, Missouri, Arkansas, Michigan. Harrison carried

[1] 51 Niles, 278. [2] 51 Niles, 23. [3] 58 Niles, 392.

Vermont, New Jersey, Delaware, Maryland, Kentucky, Ohio, and Indiana. The popular vote was: for Van Buren, 761,549; for all others, 736,656; Van Buren's majority, 24,893.[1] For Vice-President, R. M. Johnson got 147 votes; Francis Granger, 77; John Tyler, 47; William Smith, of Alabama, 23 (Virginia). As no one had a majority, the Senate elected Johnson. In January, 1837, Webster wrote to Massachusetts[2] that he should resign his seat. He intended to retire from public life, at least temporarily.

Van Buren was now at the height of his ambition; but the financial and commercial storm which had been gathering for two or three years, the accumulated result of rash ignorance and violent self-will acting on some of the most delicate social interests, was just ready to burst. High prices and high rents had already before the election produced strikes, trades-union conflicts, and labor riots,[3] things which were almost unprecedented in the United States. The price of flour was so high that 493,100 bushels of wheat were imported at New York in 1836, and 857,000 bushels before April, in 1837.[4] Socialistic notions of course found root, and flourished like weeds at such a time. An Englishwoman, named Fanny Wright, became notorious for public teachings of an "emancipated" type. The loco-focos were charged with socialistic notions, not without justice. There were socialists amongst them. The meeting held in the City Hall Park, at New York, February 13, 1837, out of which the "bread riots" sprang, was said to have been

[1] *American Almanac* for 1880. The figures in Niles are full of obvious errors.

[2] 2 Webster's *Correspondence*, 25 fg.

[3] 48 Niles, 171; 50 Niles, 130.

[4] 52 Niles, 147.

called by them. They certainly had habituated the city populace to public meetings, at which the chance crowd of idlers was addressed as "the people," with all the current catch-words and phrases, and at which blatant orators, eager for popularity and power, harangued the crowd about banks, currency, and vested rights. Of course in these harangues violence of manner and language made up for poverty of ideas, and the minds of the hearers were inflamed all the more because they could understand nothing of what the orators said, except that they were being wronged by somebody. On that day in February the crowd got an idea which it understood.[1] Some one said: Let us go to Hart [a provision merchant], and offer him eight dollars a barrel for his flour. If he will not take it — ! In a few hours the mob destroyed five hundred barrels of flour and one thousand bushels of wheat. The militia were needed to restore order.[2] The park meetings were continued.

The commercial crisis burst on the country just at the beginning of March, when Jackson's term ended. There was a kind of poetic justice in the fact that Van Buren had to bear the weight of all the consequences of Jackson's acts which Van Buren had allowed to be committed, because he would not hazard his standing in Jackson's favor by resisting them. Van Buren disliked the reputation of a wire-puller and intriguer, but he had well earned his title, the "little magician," by the dexterity with which he had manœuvred himself across the slippery arena of Washington politics and up to the first place. He had just the temper for a poli-

[1] Byrdsall (103) says the riot was not the fault of the locofocos.

[2] 51 Niles, 403.

tician. Nothing ruffled him. He was thick-skinned, elastic, and tough. He did not win confidence from anybody. He was, however, a man of more than average ability, and he appears to have been conscious of lowering himself by the political manœuvring which he had practised. As President he showed the honorable desire to have a statesman-like and high-toned administration, and perhaps to prove that he was more than a creature of Jackson's whim. He could not get a fair chance. The inheritances of party virulence and distrust which he had taken over from Jackson were too heavy a weight. He lost his grip on the machine without winning the power of a statesman. He never was able to regain control in the party. American public life is constituted out of great forces, which move on in a powerful stream, under constantly changing phases and combinations, which it is hard to foresee. Chance plays a great *rôle*. If a man, by a chance combination of circumstances, finds himself in one of the greater currents of the stream, he may be carried far and high, and may go on long; but if another chance throws him out, his career is, almost always, ended forever. The course of our political history is strewn with men who were for a moment carried high enough to have great ambitions and hopes excited, but who, by some turn in the tide, were stranded, and left to a forgotten and disappointed old age. Van Buren illustrated all these cases.

Parton quotes a letter of Jackson to Trist,[1] written March 2, 1837, in which he says: "On the 4th I hope to be able to go to the Capitol to witness the glorious scene of Mr. Van Buren, once rejected by the Senate,

[1] 3 Parton, 624.

sworn into office by Chief Justice Taney, also being rejected by the factious Senate." The election of Van Buren is thus presented as another personal triumph of Jackson, and another illustration of his remorseless pursuit of success and vengeance in a line in which any one had dared to cross him. This exultation was the temper in which he left office. He was satisfied and triumphant. Not another President in the whole list ever went out of office in a satisfied frame of mind, much less with a feeling of having completed a certain career in triumph.

On the 7th of March Jackson set out for Tennessee. He was surrounded to the last with affection and respect. On his way home he met more than the old marks of attention and popularity. He was welcomed back to Nashville as he had been every time that he had returned for twenty years past. These facts were not astonishing. He retained his popularity. Hence he was still a power. It was still worth while to court him and to get his name in favor of a man or a measure. Parton says that office-seekers pursued and pestered him up to his last days. Politicians sought to get letters from him which they could use for their purposes. In 1843 a letter was obtained from him favoring the annexation of Texas, which was then being pushed forward by a new intrigue in and around Tyler's cabinet. This letter was evidently prepared for Jackson after the fashion of Lewis. It was held back for a year, and then published with a false date. So Jackson was used by the annexation clique to ruin his friend Van Buren. The party which he and Van Buren had consolidated passed, by the Texas intrigue, away from Van Buren and under the control of the slavery wing of it. The

last-mentioned letter of Jackson brought him again into collision with Adams, for in it Jackson repeated his former assertions that he had always disapproved of the treaty of 1819, and of the boundary of the Sabine. Adams produced the entries in his "Diary" as proof to the contrary. Jackson lent all his influence to Polk in 1844. Probably he was mortified that Tennessee voted for Clay, although by only 113 majority in a vote of 120,000. Letters signed by him favoring Polk were constantly circulated through the newspapers, and they no doubt had their effect. This was his last public activity. He died June 8, 1845. He had had honors beyond anything which his own heart had ever coveted. His successes had outrun his ambition. He had held more power than any other American had ever possessed. He had been idolized by the great majority of his countrymen, and had been surfeited with adulation. He had been thwarted in hardly anything on which he had set his heart. He had had his desire upon all his enemies. He lived to see Clay defeated again, and to help to bring it about. He saw Calhoun retire in despair and disgust. He saw the bank in ruins; Biddle arraigned on a criminal charge, and then dead broken-hearted. In his last years he joined the church, and, on that occasion, under the exhortations of his spiritual adviser, he professed to forgive all his enemies in a body. It does not appear that he ever repented of anything, ever thought that he had been in the wrong in anything, or ever forgave an enemy as a specific individual.

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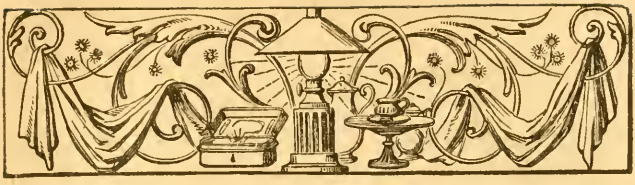

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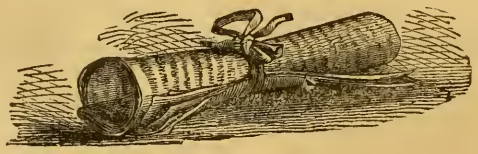

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